

STATE OF WEST VIRGINIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: CONSTRUCTION STORM WATER PERMIT FOR
ATLANTIC COAST PIPELINE

PUBLIC HEARING

* * * * *

BEFORE: JACOB GLANCE, Chair
JON MICHAEL BOSLEY, Environmental Resources
Specialist Supervisor
RICK ADAMS, Technical Analyst Associate

HEARING: Monday, December 18, 2017
6:00 p.m.

LOCATION: Buckhannon-Upshur High School
270 B-U Drive
Buckhannon, WV 26201

Reporter: Guy Starrett

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CHAIR: Okay everyone, good evening. I'm Jake Glance from the Department of Environmental Protection's Public Information Office. Welcome to tonight's public hearing on the construction storm water permit for the Atlantic Coast Pipeline. Permit Number WVR301820.

Also here this evening are Jon Michael Bosley and Rick Adams with the DEP's 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 construction storm water permit for the Atlantic Coast Pipeline.

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 their comments on topic so that our time together is used efficiently.

We do have quite a few speakers to get

1 through tonight so the time limit for each speaker will be
2 five minutes. For those wishing to speak, when I call you
3 up to provide your comments please state your name and say
4 if you are representing any groups or organizations. If
5 you have written comments that you would like to submit in
6 addition to your spoken comments, please hand them to me
7 after you speak or at the conclusion of this hearing.

8 Please remember that this public hearing is
9 not the proper form for questions and answers. We are
10 here to receive comments on this rule --- I'm sorry, on
11 this permit and we'll respond to each comment when we
12 issue a decision. If you have any questions now is the
13 time to ask them about the format of the hearing. Any
14 questions?

15 Likewise, if you have questions about the
16 permit you can speak with a DEP representative at the
17 conclusion of this hearing.

18 So we will get started with our first
19 speaker. First up is Blaise Hollott.

20 Is that right?

21 MR. HOLLOTT: Yes.

22 CHAIR: Blaise? Okay.

23 After Blaise is Anne Blankenship and after
24 Anne is Larry Cavallo.

1 By the way, there is a cord running on the
2 floor here and also right here so try to leave and ---
3 enter and leave on this side so no one gets caught up in
4 the wires, thanks.

5 MR. HOLLOTT: Good evening, thank you for
6 this opportunity to comment. My name's Blaise Hollot and
7 as a Clarksburg native and as a WVU educated professional
8 engineer, I'm deeply troubled that the West Virginia DEP
9 is not serving to protect West Virginia residents and
10 property from damage associated that will occur with storm
11 water runoff caused by the construction of the ACP.

12 This concern is based upon three points,
13 the July 2017 flooding events in McDonald, Pennsylvania.
14 My review of storm water project mitigation techniques and
15 best practices based upon my working knowledge as a
16 professional engineer, and as a member of my local town's
17 commission's Environmental Quality Board, consulting upon
18 MS4 storm water management practices.

19 And also my personal experience since '93
20 with mountain flood events encountered at my cabin along
21 Shaver Fork between Elkins and Parsons. You may not know,
22 but there were recent flooding events this summer in
23 McDonald, Pennsylvania, southwest corner of PA, that offer
24 a catastrophic picture that should not be repeated with

1 the ACP Pipeline construction. The McDonald flooding
2 events are related to construction of Pennsylvania
3 Turnpike's construction of the southern beltway project.

4 Best management practices BMP based upon
5 two year, 24 hour storm requirements proved to be
6 willfully inadequate as reported by both the Pittsburgh
7 Post-Gazette and Washington Observer Reporter. As a
8 result of this prolonged drain event, many homes and
9 businesses were severely damaged, some condemned.

10 Particularly disturbing, is that this
11 construction impacted hills, not the steep mountain slopes
12 that will be traversed by ACP. The McDonald situation is
13 very real for me as I worked in this community building
14 Habitat for Humanity homes. To witness such personal home
15 destruction is heartbreaking.

16 In my home state of West Virginia, given
17 destruction given the flood plain occupancy and a less
18 robust economic setting would be devastating. Erosion
19 controls involving high efficiency siltation fencing and
20 hay bales are totally inadequate. And left the residents
21 and businesses in ruin.

22 If BMT --- BMP measures failed in McDonald
23 which has a less deep sloped terrain and less extreme rain
24 events than which will be encountered in ACP construction,

1 then BMP for the ACP is totally inadequate. There's clear
2 need for concrete action to assure private, public, and
3 business property will be protected.

4 WVDEP should enact two measures to
5 effectively protect the public. One, is the establishment
6 of an emergency escrow fund. The WV --- the DEP should
7 demand initiation of an industry funded escrow fund to
8 address storm water damage that will occur when BMP fails.
9 The establishment of such a fund funded by Dominion and
10 their ACP partners and contractors should be done prior to
11 ground breaking.

12 Such an escrow would be available to
13 provide emergency funds to effective local families,
14 farmers, and businesses when pipeline construction storm
15 water flooding events occur such as what happened in
16 McDonald this summer.

17 Number two, establish continuous monitoring
18 of water quality and storm water mitigation measures over
19 streams which --- streams that will be crossed. It's two-
20 pronged approach here, one to continuously monitor the
21 water flow and quality and reporting stations installed at
22 stream crossings such as stream gauges and turbidity
23 meters.

24 Also, to initiate a tracking system to

1 record any submitted information as well as the response,
2 actions and results of such actions. Both systems should
3 be in place prior to any construction groundbreaking
4 activity to identify and document storm water mitigation
5 compliance and non-compliance issues.

6 There are advises necessary and it's
7 necessary for four concrete reasons. Number one, the much
8 steeper slops which will allow storm water to gather and
9 develop greater force due to gravity and length of slope
10 that will overcome --- overcome siltation fencing and hay
11 bales.

12 Number two, the tier three high quality
13 streams that will be --- that provide drinking water to
14 many local residents. Number three, time of construction
15 means nothing to storm water management practices in the
16 mountains. Mother Nature doesn't take a vacation. And
17 also, the hazardous materials that will be swept away by
18 runaway storm water.

19 So in conclusion, I just want to thank you
20 all very much and again suggest mitigation that can be
21 done by two forms that being the establishment of an
22 escrow fund as well as stream monitoring. Thank you.

23 CHAIR: Up next is Anne Blankenship, after
24 Anne is Larry Cavallo, and after Larry is Mike Morris.

1 MS. BLANKENSHIP: Good evening, my name is
2 Anne Blankenship and I'm the Executive Director of the
3 West Virginia Oil and Natural Gas Association or WVONGA.
4 WVONGA is supportive of the West Virginia DEP's issuance
5 of a permit for construction activities associated with
6 the Atlantic Coast Pipeline.

7 This project will play a crucial role in
8 supplying clean and efficient energy that will be built
9 and operated in a way that protects our state waters.
10 WVONGA's members have a keen interest in all aspects of
11 environmental regulation associated with oil and gas
12 activities including application of the state general storm
13 water permit for oil and gas construction activities.

14 We are one of the oldest trade associations
15 in the state and the only association that serves the
16 entire oil and gas industry. The activities of our
17 members include construction, environmental services,
18 drilling, completion production, gathering, transporting,
19 distribution, and processing.

20 WVONGA members operate in almost every
21 county in West Virginia and employ thousands of people
22 across the state with payrolls totaling hundreds of
23 millions of dollars annually. Our members have a
24 cumulative investment of nearly \$10 billion in West

1 Virginia, account for 80 percent of the production and 90
2 percent of the permits, operate more than 20,000 miles of
3 pipeline across the state, and provide oil and natural gas
4 to more than 300,000 West Virginia homes and businesses.

5 WVONGA fully supports the issuance of this
6 permit as we believe it is protective of West Virginia
7 Water Resources. The measures in it to address water
8 quality protections go beyond even the requirements found
9 in the Federal Clean Water Act. This permit contains
10 requirements that other states may not impose and mandates
11 the same sort of protections that EPA construction storm
12 water permits, general water permits do on non-pipeline
13 projects.

14 The permit and its associated storm water
15 pollution prevention plan impose restrictions on operating
16 conditions resulting in significant water quality
17 protections including best management practices or BMPs
18 that can be implemented to protect state water quality
19 standards.

20 In particular, the selected BMPs that are
21 adopted in the plan for the protection of water bodies and
22 wetlands in areas of steep slopes and in karst terrain
23 will ensure the construction and operation of the ACP do
24 not negatively impact such important natural resources.

1 Dominion has developed best in class
2 measures for work on steep slopes to meet the challenging
3 --- to meet the challenge of pipeline construction in the
4 mountainous terrain here in West Virginia. These state of
5 the art measures go above and beyond federal and state
6 regulatory standards in preventing sedimentation and
7 providing erosion control on steep slopes in areas with
8 landslide hazards.

9 These measures have been integrated into
10 this permit and the plan. Dominion has hired experts to
11 assist with surveying and understanding the karst terrain
12 in West Virginia and surveys of potential karst have been
13 conducted. Measures will be taken to avoid any impacts to
14 caverns, sinkholes, and springs. Additionally, the
15 pipeline's been engineered to withstand sinkhole formation
16 without compromising pipe integrity or safety.

17 Importantly, in addition to being
18 protective of our state waters, this project will be a
19 tremendous boost for our state. Both in terms of making
20 the rich natural gas supplies extracted in West Virginia
21 more available to growing energy markets in the southeast
22 and in terms of creating thousands of jobs and hundreds of
23 millions of dollars in economic activity during its
24 construction phase.

1 Thank you for the opportunity to speak in
2 support of the permit issuance. WVONGA urges the DEP to
3 allow the ACP coverage under this permit in order to make
4 this vitally energy infrastructure a reality. Thank you.

5 CHAIR: Up next, Larry Cavallo, after Larry
6 is Mike Morris, after Mike Morris is Ryan Hauser.

7 MR. CAVALLO: Hello. My name is Larry
8 Cavallo, I'm here representing myself tonight. I was born
9 and raised in West Virginia and currently live in
10 Bridgeport, West Virginia. I'm a 32 year veteran of the
11 Appalachian Oil and Gas Industry having worked for
12 exploration and production companies including Dominion.
13 I have three degrees from West Virginia University with
14 two being Bachelor's and Master's of Science in Geology.

15 Ladies and Gentlemen, as a native West
16 Virginian and an Oil and Gas Industry veteran, I'm here to
17 tell you that our state and our oil and gas industry is in
18 desperate need of long haul pipelines such as Dominion's
19 Atlantic Coast Pipeline.

20 But this hearing is not about me but rather
21 it's about storm water pollution prevention plans, water
22 control permits, and the protection of West Virginia's
23 water. In those regards, please know that I would never
24 support this project if I thought it would damage our

1 state's water quality.

2 I've become convinced after a thorough
3 review of Dominion's construction plans that it can
4 partner --- that it and its partners have taken the
5 necessary steps to ensure the pipeline is built and
6 operated to protect our water. The developers have
7 surveyed the entire construction right away to identify,
8 avoid, and mitigate impact on karst terrain features.

9 They will have a karst expert onsite during
10 construction and they have engineered the pipeline to
11 withstand the development of karst features without
12 compromising integrity or safety of the pipeline. On the
13 water permit side of things, the Atlantic Coast Pipeline
14 will restore bank integrity at stream crossings to prevent
15 erosion and downstream sedimentation.

16 Bank stabilization and erosion control
17 devices will be used at crossings and on steep slopes
18 while native vegetation and repairing structures will be
19 used to revegetate and control erosion along the length of
20 the line.

21 Water withdrawals where needed will be
22 coordinated with the DEP during low flow conditions and
23 construction will use pre-fabricated above ground water
24 impalements to allow for low rate water withdrawals to

1 minimize stream impact.

2 Likewise, discharge of chemical-free
3 hydrostatic test waters will be rate restricted and
4 preformed only within well vegetated upland areas to
5 eliminate translocation of evasive aquatic species.
6 In short, Dominion and its lead construction contractor
7 have more than 200 years of experience building pipelines
8 in steep, mountainous terrains. Dominion itself has built
9 more than 2,000 pipe --- miles of pipelines through the
10 mountains of West Virginia, Ohio, and Pennsylvania.

11 As an industry veteran and a former
12 Dominion employee, I have seen firsthand the importance
13 Dominion places on safety and environmental stewardship.
14 Those core values are deeply ingrained in the culture of
15 Dominion and they permeate the daily thought process of
16 every Dominion employee. I am certain that Dominion has
17 the mindset, the experience, the expertise to build this
18 pipeline the right way, safely and with minimal impacts on
19 our environment.

20 So in conclusion, I support the building of
21 the ACP and urge you to approve the storm water pollution
22 prevention plan and general permit. I believe the strong
23 conditions in those documents plus the steps the
24 developers are taking to protect West Virginia's water

1 resources will ensure this vitally important project is
2 built and operated in an environmentally sound manner.
3 Thank you for your time and the opportunity to comment.

4 CHAIR: Up next, Mike Morris, after Mike is
5 Ryan Houser, after Ryan Houser is Jamie Mentz.

6 MR. MORRIS: Good evening. My name's Mike
7 Morris, I'm General Manager of MEC Construction and we're
8 --- I'm here to speak this evening of our support of the
9 Atlantic Coast Pipeline.

10 I believe it would be a tremendous boost to
11 our state creating thousands of jobs and millions of
12 dollars of economic activity during the construction
13 phase. I'm also a lifetime member --- or lifetime
14 resident of West Virginia and value our natural resources,
15 our environment and our quality of life a great deal and I
16 would not --- also would not be a supporter of this
17 project if I thought any of those items were at risk.

18 I'm convinced that the storm water
19 pollution prevention plan and the general water pollution
20 control permit will guarantee that the project can be
21 built and operated in ways that protects West Virginia
22 Water Quality. I believe also that the project developers
23 and Dominion Energy have put plans in place and will carry
24 out that those are accurately enforced.

1 I've worked with --- since I've been with
2 MEC I've worked on several projects with Dominion Energy
3 and I can tell you they hold a high standard to their
4 environmental plans, environmental controls, and safety.
5 So I do not have concerns that any of those would not be
6 followed to the T.

7 So I would also urge that the --- that you
8 approve the storm water pollution prevention plan as well
9 as the general permit and ensure that these projects can
10 move forward as planned. Thank you.

11 CHAIR: Right now Ryan Hauser, after Ryan
12 is Jamie Mentz, after Jamie Mentz is Sherry Rogers.

13 MR. HAUSER: Good evening, my name is Ryan
14 Hauser with JF Allen Company from right here in
15 Buckhannon. On behalf of the JF Allen Organization we
16 would like to again formally state our support for the
17 Atlantic Coast Pipeline Project.

18 Our organization, the JF Allen Company, has
19 created hundreds of miles of roads and highways since our
20 inception in the 1940s. The general public including
21 those here this evening, travel these roads we built
22 without a second thought to the investment that it took
23 many decades ago. Infrastructure, when done properly,
24 enhances our quality of life. Over the past century,

1 hundreds of thousands of miles of pipelines have been
2 built across North America. Many, if not most, are still
3 in service today. These pipelines have been built
4 sensibly and within state and federal regulations.

5 Continuing with this tradition, Dominion
6 Energy along with its partners have worked with the state
7 and federal agencies over the past several years to
8 optimize a pipeline route, satisfy thousands of pages of
9 permits, answered questions from the general public, and
10 proved numerous times that the project meets all necessary
11 federal and state regulations.

12 Tonight, we are specifically talking about
13 water quality during construction. Several decades ago,
14 engineered plans for which the contractor is required to
15 work to, gave little consideration to water runoff and
16 control procedures from project sites. That has changed,
17 and I believe everyone here in this evening --- in this
18 room this evening can agree that it is for good reason.

19 Projects such as these now require storm
20 water pollution prevention plans and general water
21 pollution control permits. Contractors often subject to
22 third party onsite inspectors in addition to state and
23 federal agencies are required to follow these design
24 procedures to eliminate and/or minimize impacts to nearby

1 streams and water sources.

2 We have seen firsthand as a contractor
3 business for over 70 years the improvement of these
4 techniques and procedures, and how they minimize impact to
5 the environment. Unless there is a major legitimate
6 concern to which the West Virginia Department of
7 Environmental Protection should promptly and clearly
8 report the JF Allen Organization suggest the project move
9 forward accordingly and that the Storm Water Pollution
10 Prevention Plan and the General Water Pollution Control
11 Permit be approved.

12 Our employees, our families, and the
13 communities that we live in depend on these infrastructure
14 projects and the continuing benefits that they create for
15 years to come. Thank you again for your time and for the
16 consideration of our support.

17 CHAIR: Right now, Jamie Mentz, after Jamie
18 is Sherry Rogers, after Sherry is Abigail Benjamin.

19 MR. MENTZ: Good evening, I'm Jamie Mentz
20 from the Harrison County Economic Development Corporation
21 and my perspective is a little different.

22 I'm involved in the economy and hopefully
23 growth of our economy in Northcentral West Virginia and
24 that's really my perspective. We see this permit as one

1 of the last hurdles that we need to cross to get this
2 project going.

3 In Harrison County where I'm from, just
4 north of here, we've seen a tremendous amount of growth
5 related to the anticipation of this line being built. In
6 fact, many of our existing companies have grown so fast in
7 the last two years that they found it very difficult to
8 find qualified employees.

9 But not just the existing business. In my
10 job, I frequently talk to companies from outside West
11 Virginia that are interested in coming to West Virginia
12 and taking advantage of this economic bubble that they see
13 forming here. They see great opportunities here in West
14 Virginia.

15 But those companies, just like our existing
16 ones, will have trouble getting qualified employees. We
17 all know what's happened in --- to West Virginia's
18 population in the last 15 years, it's --- we're the only
19 state in the Union that's going the wrong way. This could
20 be a great opportunity for many of our young people who've
21 had to leave West Virginia to come back to good quality
22 jobs that will provide a great income for them and their
23 families.

24 On a personal level, I have a son from out

1 of state who just today began a new job in Harrison County
2 that's directly related to this transmission line. So
3 I've experienced positive outcomes myself already.

4 But apart from the economic and the jobs,
5 Dominion Energy is a local company to us in Harrison
6 County and we consider them a great corporate citizen.
7 And I'm confident as our organization is that if Dominion
8 Energy is involved it will be done as environmentally
9 friendly as possible.

10 So we're here --- I'm here to support this
11 permit. Thank you.

12 CHAIR: Right now is Sherry Rogers, after
13 Sherry is Abigail Benjamin, after Abigail is Jason
14 Lockard.

15 MS. ROGERS: Hello, I'm Sherry Rogers I'm
16 the Executive Director of the Lewis County Chamber of
17 Commerce and we are here today --- I'm here today
18 representing the Lewis County Chamber of Commerce in
19 support of the Atlantic Coast Pipeline.

20 Dominion has always been an excellent
21 steward and neighbor in Lewis County. They've supported
22 our local businesses and our educational systems, they
23 employ our residents. Dominion also --- Dominion
24 employees also live where they are employed and are

1 dedicated to provide quality services with exceptional
2 industry safety and environmental standards.

3 Lewis County Chamber respectfully requests
4 approval of the Atlantic Coast Pipeline, thank you.

5 CHAIR: Right now, Abigail Benjamin, after
6 Abigail is Jason Lockard, after Jason is Don Nestor.

7 MS. BENJAMIN: My name is Abigail Benjamin.
8 I'm an environmental lawyer here in Buckhannon, West
9 Virginia. I stand in opposition to this permit. I am a
10 1993 graduate of Buckhannon-Upshur High School and I
11 welcome you all to my school.

12 I graduated with honors from Smith College
13 and from the University of Wisconsin Law School. In 1996
14 it was my joy to take the Bar Exam, my fourth one --- it's
15 different for a different state, in West Virginia and I
16 moved back home in August of 2017, and I have an
17 Environmental Law and Real Estate Law practice just
18 downtown on Main Street.

19 I have heard a lot of people talk about
20 environmental protection and one of the things that stuns
21 me is this permit. This permit there is no monitoring
22 activities associated with this permit at this time. And
23 I'm just going to repeat that to you, there is no
24 monitoring activities associated with this permit at this

1 time.

2 Now, monitoring may be requested by the
3 Director and it really should be requested by the Director
4 since these constructions will happen for more than one
5 year. The West Virginia Department of Environmental
6 Protection has waived their authority to issue a 401 Water
7 Quality Certification under the Clean Water Act which is a
8 federal law passed under President Nixon in the '70s.

9 States may certify federal permits that
10 would comply with the state water quality standards. Now,
11 this is the second time in a few months that the West
12 Virginia DEP under Austin Caperton has decided that a 401
13 water quality certification will be waived. I am stating
14 it's very important that we have monitoring activities
15 happen when these constructions are going to go on.

16 This is my drinking water, my children's
17 drinking water, and I appreciate the environmental
18 protection standards that have been stated by members of
19 the industry but I would like to look into their proof to
20 have water quality standards --- sorry, water monitoring
21 activities happening during this construction process.
22 Thank you.

23 CHAIR: Next, Jason Lockard, after Jason is
24 Don Nestor, after Don is Paul McCormick.

1 MR. LOCKARD: Good evening, my name is
2 Jason Lockard with SLS Land and Energy Development out of
3 Glenville, West Virginia and also Charleston, West
4 Virginia. I was born and raised in Flatwoods. I'm very
5 proud of West Virginia.

6 Dominion will work real closely with the
7 laws --- the West Virginia DEP laws. SLS has worked with
8 Dominion and they have proved over the years that they do
9 things the way the West Virginia DEP requests. We have
10 employees, 100 percent of our employees are West Virginia
11 --- by West --- from West Virginia. They have land which
12 the ACP will be running through and they will also hold
13 Dominion their feet to the fire.

14 The --- I'm sorry. And we believe that
15 Dominion will be committed to the construction of the
16 project in ways that will minimize, prevent future
17 erosions and minimize impact of bodies of water and
18 wetlands. So myself and SLS we support the Atlantic
19 Coastal Pipeline.

20 CHAIR: Several people have come in since
21 we started. If you want to speak, give a public comment,
22 the sign in sheets are right here in the middle. So if
23 you want to speak, make sure you sign up.

24 Up next is Don Nestor, after Don is Paul

1 McCormick, after Paul McCormick is Patrick Farrell.

2 MR. NESTOR: Thank you and good evening.

3 My name is Don Nestor, I'm a CPA. I live here in
4 Buckhannon, West Virginia. I come in support of the
5 issuance of the permit and in support of the Atlantic
6 Coast Pipeline. I am a member of the CPA firm of Arnett
7 Carbis Toothman in the office room of Buckhannon.

8 I'm a resident of Buckhannon, lifelong
9 resident of West Virginia. I originally was raised in a
10 little town of Pickens in the headwaters of Buckhannon
11 River. I graduated in a class of 11 in the Pickens High
12 School and proud to say I was the top nine percent of my
13 class. Not many people here can say that.

14 But I grew up in this town and worked ---
15 as I was growing up there in the Timber Industry working
16 around the natural resources, worked on a coal tipple,
17 worked in the hay fields. It was --- growing up in the
18 heart of West Virginia was very special to me. And the
19 quality of water was always very important. Especially if
20 you're out trying to catch a native trout in the streams.

21 So the quality of water was always
22 important and we always adjusted to the situations that
23 we're found in. If it was dry weather or rain or whatever
24 it might be --- and in Pickens it was usually snow, so we

1 just adjusted. But I think water quality has always been
2 important and I think as I have developed my career being
3 a president of the Upshur County Chamber of Commerce, the
4 past president of the Upshur County Development Authority,
5 past president of the Western CPA Society, the importance
6 of the water quality we have in the state is very
7 important to economic development.

8 One of the things we're very proud of here
9 in Buckhannon and Upshur County is the water resources
10 that we have are tremendous. And we kind of look at it
11 from an economically developing standpoint, having that
12 for the future is very, very important to our growth and
13 for our community.

14 I'm presently on the City of Buckhannon
15 Water Board, and one of the things that we're involved
16 with is monitoring the quality of water on a continual
17 basis, and also there have comments submitted to Dominion
18 concerning this pipeline and the potential for the storm
19 water runoff and they've all been answered as we had
20 expected them to be answered.

21 We continue to work with them in monitoring
22 the quality of the water coming in because that is the
23 responsibility of the City and Water Board and very
24 capable people have monitored that and Dominion has been

1 good to work with on that. From the economic development
2 standpoint I mentioned I think the --- the thing we look
3 at for the folks who want to live here and work here in
4 West Virginia want to stay here is the job --- not only
5 the construction but also the future jobs.

6 And the thing I see about a pipeline like
7 this it's almost like having an interstate to go through,
8 your highway go through your territory. You'll have the
9 ability to get on and off that interstate to develop
10 activities, same thing with the pipeline going through the
11 factory development and natural resource here.

12 I've been on the Independent Oil and Gas
13 Association Board of Directors for six different terms for
14 a total of 18 years. I've been involved in the economic
15 development and mostly in the oil and gas business for 45
16 years of my career and I think the future is jobs and that
17 helps up develop education here in our state.

18 I think the --- the other thing I've gotten
19 from being on IOGA's Board of Directors in the industry
20 was the importance of working with the State and
21 regulators and follow the regulations. If there's certain
22 regulations being met, those are to be enforced. And so I
23 think the activity here to --- by Dominion to make sure
24 the quality of the water is maintained has been very

1 important.

2 They'll continue to support and comply with
3 regulations as they are developed and changed, whatever it
4 might be. And I very strongly support the pipeline and
5 the issuance of the permit. Thank you.

6 CHAIR: Up next, Paul McCormick, after Paul
7 is Patrick Farrell, after Patrick is Justin Raines.

8 MR. MCCORMICK: Good evening, I'm Paul
9 McCormick with the International Union of Operating
10 Engineers. I'm a pipeline representative throughout the
11 Northeast and Mid-Atlantic Region. The operating
12 engineers are a strong supporter of the Atlantic Coast
13 Pipeline, not only because of the jobs it'll create but
14 the local state and regional benefits it will provide
15 during the --- during and after construction.

16 I could not stand here before you if I did
17 not believe that this project could be built safely,
18 constructed while protecting --- could be safely
19 constructed while protecting the water and the
20 environment. I have worked on pipeline projects and other
21 projects like this before and can state honestly that the
22 criteria that goes into the storm water pollution
23 prevention plan and the general water pollution control
24 permit are industry approved best management practices at

1 local, state, and federal levels. And proven the work to
2 protect the water and the environment.

3 The same methods and practices that will be
4 used on the Atlantic Coast Pipeline are used in road
5 construction, building safe development, and green energy
6 projects such as solar and wind farms to minimize and
7 control sedimentation of water bodies and wetlands.

8 Additionally, improved and upgraded
9 controls will be implemented on this project. Dominion
10 has paid close attention also to the karst terrain that
11 characterizes a good deal of the pipeline route. Some
12 examples of this are, some of over 300 route changes were
13 due to this. And a karst expert will be onsite during
14 construction.

15 I believe that the combination of a strong
16 --- of the strong conditions set forth in the regulatory
17 documents, the onsite environmental inspections while
18 construction is being --- as construction proceeds, and
19 the mandatory site training that everyone that works on
20 this project will have will ensure this important project
21 is built and operated safely to protect water and
22 environment for everyone.

23 The operating engineers and myself ask you
24 to approve the storm water pollution prevention plan and

1 the general permit. Thank you.

2 CHAIR: Up next is Patrick Farrell, Patrick
3 is followed by Justin Raines, after Justin is Jane
4 Birdsong.

5 MR. FARRELL: Good evening, my name is
6 Patrick Farrell. I am the owner and president of Service
7 Pump and Supply. I'm also a West Virginia native, I live
8 here, I raise my family here, we also own land that will
9 be affected by the Atlantic Coast Pipeline. I can tell
10 you that we are all very deeply concerned about water
11 quality in this region and I'm here to give my full
12 support to the Atlantic Coast Pipeline and the project
13 that Dominion is leading.

14 Service Pump and Supply is a company that
15 has five branches across four states and our main purpose
16 is to move water and waste water for small towns and big
17 cities for the mining industry and the oil and gas
18 industry, and I can tell you that it can be done in an
19 environmentally safe way and in compliance with all of the
20 federal and state laws.

21 As a small business owner I also know the
22 importance of the jobs for all of you that have family
23 that have left the state, you know that they usually leave
24 because of either education or job opportunities. And the

1 thousands of jobs that this construction will bring in
2 addition to the hundreds of millions of dollars of
3 investments for our community.

4 It'll keep our families here and it'll keep
5 people fully employed, paying taxes, which then support
6 our schools and all of our local communities. I wouldn't
7 be saying any of this if I didn't think it could be done
8 in an environmentally friendly way. I know that with the
9 construction that the rivers, the streams, the wetlands
10 can be protected. And I encourage the DEP to approve the
11 storm water permit as well as general permit and to give
12 their full support to the Atlantic Coast Pipeline. Thank
13 you.

14 CHAIR: Up next, Justin Raines, after
15 Justin is Jane Birdsong, after Jane is Marion Harless.

16 MR. RAINES: Hello, my name's Justin
17 Raines. I'm a sixth generation West Virginia native.
18 I worked in the oil and gas industry for about 12 years
19 mostly on natural gas drilling rigs. I heard a lot of
20 talk here today about jobs, jobs, all the jobs that this
21 pipeline's going to bring here.

22 I don't know if you've all have ever seen a
23 staging area for one of these pipelines if you've seen the
24 old motels, the RV courts, but the license plates there

1 don't say West Virginia. They say Pennsylvania, they say
2 Louisiana, Alabama, Texas, and Oklahoma. Our motels
3 aren't filling up because your neighbor's going to get a
4 job off this pipeline. They're filling up because out of
5 state companies are coming in here to tear a path through
6 the middle of our land and to take advantage of our
7 resources.

8 And then they're going to be gone, those
9 jobs are going to be gone, there's going to be a few
10 boosts at the pipeline --- at the local gas station, but
11 those jobs are going to be here for eight months, maybe a
12 year. That's the timeline of the project, and then
13 they're gone and we're left with the destruction that
14 they've left behind.

15 A bunch of us were here just a few months
16 ago for the 401 certification hearing for this very same
17 pipeline. A lot of us made some very good comments, we
18 have some genuine suggestions for the DEP about how this
19 could proceed in a more environmentally safe manner than
20 it has before and that's what happened to those comments.

21 Secretary Austin Caperton wadded those
22 comments up, he took the hundreds of man hours the DEP put
23 into crafting a pretty decent permit even though they
24 didn't fulfill their legal representations, they were

1 trying. And he threw that all in the trash. That's what
2 I expect him to do with anything beneficial we say here
3 today.

4 There's a lot of good people at the DEP who
5 work hard to protect us but as long as we got an industry
6 shield heading it, they aren't going to be allowed to
7 protect us at all. We can show up to these hearings and
8 tell them what we think but nothing's going to change
9 until we get Austin Caperton out of there. Thank you.

10 CHAIR: Up next, Jane Birdsong, I'm going
11 to insert Wayne Keplinger after Jane. And then after Jane
12 and Wayne, we're going to do Marion.

13 MS. BIRDSONG: My name's Jane Birdsong, I
14 live in Randolph County, West Virginia along the Tiger
15 River. I'm a stream monitor for Trout Unlimited doing
16 monthly testing in five locations to maintain a database
17 for streams entering the middle fork in Upshur County and
18 two streams in Randolph County which enter the Tiger.

19 Trout Unlimited is serious about keeping
20 our streams clean and healthy for fish. As I understand,
21 your requirements say that geologically sensitive areas
22 should be avoided by pipelines due to their potential for
23 instability. The region which is being proposed to lay
24 this huge 42 inch pipeline is predominantly karst

1 limestone and dolomite which is characterized by
2 underground drainage systems with sinkholes and caves.

3 This is not the type of terrain that your
4 requirements allow. The sheer height of some of the
5 mountains on the proposed route from Millcreek to near
6 Helvetia are going to cause landslides and huge amounts of
7 sediment to enter our streams and ultimately the Tiger
8 River where I live. It's also the water source for the
9 City of Elkins.

10 In case you didn't know, sediment is the
11 worst problem for fish and macro invertebrates in our
12 streams. Another problem is that bank stabilization
13 should be done with natural channel design method, not the
14 riprap that is being proposed in this permit. These
15 permits require tier three stream crossings to have anti-
16 degradation review.

17 I would like to see that in print that it
18 is required and I insist that monitor devices for flow and
19 turbidity be installed at all stream crossings of this
20 pipeline and that provisions be made for anti-degradation
21 review. This Atlantic Coast Pipeline is not needed by the
22 people of West Virginia, nor Virginia, nor North Carolina.
23 It's wanted by Dominion Gas so that the gas below our
24 homes and fields can be transported to the Atlantic Coast

1 for easy access to sell to Europe.

2 That is not eminent domain. We have the
3 right to protect our water from corporations that alter
4 our environment. The Department of Environmental
5 Protection should carefully monitor how these pipelines
6 are built, how the trees are removed, the time of year of
7 construction, and especially sediment control and
8 mitigation for storm water events.

9 Don't waive your right to approve this, see
10 that Dominion follows your regulations.

11 CHAIR: Wayne Keplinger is up next, after
12 Wayne is Marion Harless, after Marion is Andrew Phipps.

13 MR. KEPLINGER: My name's Wayne Keplinger.
14 I grew up here in Buckhannon, lived in West Virginia all
15 my life. I'll probably die here. I have a granddaughter
16 with me and I hear a lot of talk of economic development
17 and jobs, environmental protection. Seven generations
18 from now, who's going to be making these regulations?
19 Who's going to be enforcing these laws?

20 We're in an era of deregulation, we don't
21 know that they're not going to strip away more regulations
22 tomorrow. Seven generations, that's her children, her
23 children, her grandchildren. I think we need to make it
24 safe for them. Talk about jobs and economic development

1 like their life. Water is life, water is life.

2 If you think otherwise than that, you're
3 thinking less than human. Sure there can be economic
4 development, there can be jobs, I think you're making a
5 --- if you approve the storm water go through these
6 pipelines, you're betraying earth, her children. You're
7 not betraying me. I'll die here. So I'm not going to try
8 to give you a lot of technical explanations that I know.

9 I've seen promises, I've heard promises,
10 I've seen them broken time and time and time again. Who's
11 going to make the regulations tomorrow? Who is going to
12 enforce the regulations tomorrow? Who's going to
13 deregulate tomorrow? So I'm just asking you to think of
14 my voice here as the voice of a child seven generations
15 away. And hoping that you do not approve this.

16 CHAIR: Up next, Marion Harless, Marion is
17 followed by Andrew Phipps, after Andrew is James --- I
18 mispronounced this name last time it's spelled K-O-T-C-O-
19 N.

20 MS. HARLESS: Good evening, Marion Harless
21 Comparative Psychologist, Wildlife Biologist, Naturalist,
22 Organic Grower, Native West Virginian. I came to talk
23 about storm water but evidently we came to praise Dominion
24 and so I would like to offer just one little comment about

1 Dominion. Researchers spent 25 years studying a
2 population of rattlesnakes over on the Allegheny front
3 beyond Dolly Sods. When Dominion decided to put up wind
4 turbines --- giant wind turbine I always like to say, the
5 researchers talked with Dominion and as Dominion assured
6 them they would not bother the hibernation site.

7 When the researchers went back in the
8 spring, there was a nice thick cement pad for the wind
9 turbine right on top of the rattlesnake hibernation site.
10 They destroyed an entire population of timber
11 rattlesnakes, our state rattle, which are present in ever
12 decreasing numbers. That's one of the things I know about
13 Dominion.

14 And speaking of solar, I wonder if anybody
15 has the data on how much silicon has been shipped out of
16 West Virginia so they can make solar panels in other
17 states and other countries. If we took a little bit of
18 time to consider things beyond coal and gas and oil, we
19 might find actually we have quite a bit to offer in terms
20 of diversified economies, agriculture being the best one,
21 and then tourism.

22 Pickens was mentioned. Perhaps you'd been
23 to Pickens, I hadn't actually planned to say this, but if
24 you had been to Pickens of Helvetia you know --- if you go

1 into Millcreek you know what the hills look like and
2 that's where they're going to run that pipeline. You
3 might not know that the Pickens Helvetia area is the
4 second cloudiest spot in the United States --- the
5 contiguous United States outside of the Olympic Peninsula
6 which is a great place to visit if you want to go be a
7 tourist somewhere.

8 And the amount of vegetation, the amount
9 of --- the number of trees that are going to be destroyed
10 to put this pipeline in are, I believe --- and I said
11 this in my other comments, written and otherwise. That
12 they're going to interfere with the cloud production and
13 that's going to interfere with the precipitation. That's
14 going to interfere with our water.

15 I've had lots of classes in water. I like
16 to play in the water, swim, et cetera. But they're going
17 to destroy our water. I was dumbfounded when Caperton
18 said we don't think there would be any --- no, he said
19 there would be zero environmental impact. This is ---
20 it's amazing.

21 In a December 3rd issue of the Charleston
22 Gazette-Mail, there was a nice op ed piece by a woman
23 named Lissa Lucas. I don't know her. She's running for
24 the legislature, good for her. And it was all about

1 China.

2 I have written quite a bit about China
3 since August. On all of their damage that they've been
4 doing around the world. And I didn't realize until a
5 couple of weeks ago the state general and legislative
6 reports that West Virginia has been actually kind of
7 begging China to come in and take over West Virginia.
8 And this is --- this is amazing. And so please look at
9 Lissa's --- Lissa Lucas's editorial.

10 And while you're looking back through old
11 newspapers. Look back to December the 12th, 1912 (sic),
12 for the explosion of the 20 --- the reports of the
13 previous day. Pipeline explosion at Sissonville and see
14 the photographs of that. And bear in mind that was a 20-
15 inch pipeline, not a 42-inch pipeline.

16 There's a gas or oil line explosion and/or
17 fire almost daily in the United States --- whoops. Oh.
18 Time's up. These --- what I wanted to talk about was
19 access roads. These access roads are going to cut across
20 the hills. Sometimes they're streets, sometimes they're
21 roads, sometimes they're gravel, sometimes they're old
22 logging roads. They are animal trails in some cases.

23 They are going to be widened to
24 accommodate this equipment into the pipeline site itself.

1 And I spent --- from January to March I spent eight hours
2 some days reading that draft environmental impact
3 statement. I have made many, many comments on it. And
4 it was pretty incomplete to begin with and do things like
5 say we need to control with tree foil.

6 I know down the line we need to plant
7 these. So it's just sloppy all the way through. I
8 certainly hope that the DEP does not approve this. And
9 that the pipeline project be abandoned if there's no help
10 for West Virginia. Thank you.

11 CHAIR: Up next, Andrew Phipps, after
12 Andrew is James Kotcon.

13 MR. PHIPPS: Hello. My name is Andrew
14 Phipps. I am 26 years old. I have lived in West
15 Virginia my whole life. I went to this high school back
16 then as an angry teenager, if you'd told me that there
17 was a chance this place could be wiped off the face of
18 the earth I would have been ecstatic. But now at age 26
19 I'm here defending it against so-called adults in this
20 industry who are perfectly content to put a bomb just
21 across the street.

22 I'm asking that the DEP deny the Atlantic
23 Coast Pipeline's application for the oil and gas
24 construction storm water general permit. The ACP's

1 application does not meet the requirements for several
2 reasons.

3 First, final mitigation or avoidance
4 measures for geologically sensitive areas are not
5 included and are still being developed. Second, site
6 specific designs are still being developed for locations
7 with unique geo-hazards and the potential for
8 instability. Third, the ACP wants to use riprap instead
9 of the DEP's preference for natural stream channel design
10 techniques.

11 Fourth, high quality tier three waters
12 will be crossed. We need an anti-degradation review as
13 required by the permit. Is that going to happen? I
14 don't know. Fifth, there's no water quality monitoring
15 proposed. The bare minimum if this goes through should
16 be something like what the U.S. Geological Survey and the
17 Virginia DEQ are doing at their proposed pipeline
18 crossings, which would be installing and maintaining a
19 network of water quality monitors that measured
20 conditions before, during and after construction of
21 pipelines.

22 We need to be proactive in preventing the
23 degradation of our water instead of the usual reactive
24 approach. Our slopes are too steep to handle this

1 construction without having massive erosion and
2 sedimentation. And we're going to be dealing with this
3 for years to come. Just look at the numerous violations
4 for other area pipelines. Why should this one be any
5 better?

6 One example is the Stonewall gas gathering
7 pipeline. It's already dumped loads of sediment into the
8 West Fork and its tributaries. The industry's salt
9 fences, filter socks and hay bales haven't prevented
10 erosion and sedimentation into our streams. They have a
11 history of not using best management practices at all in
12 some places. There's even been one known incident where
13 heavy equipment was driven directly over a stream bed on
14 Elk Lick in Lewis County.

15 There were similar issues with the Roger
16 Pipeline. They were bad enough for the DEP to order an
17 unfortunately brief halt to construction. All of this is
18 on top of the inevitable release of hazardous material,
19 including diesel fuel that will happen. You can't trust
20 these companies to do anything other than cut every
21 corner they can to save money, hope no one notices, and
22 then pay the ineffective, insufficient fines.

23 This isn't environmental protection. It's
24 just allowing corporations who view people and the planet

1 as expendable to buy the ability to pollute. And we'll
2 be dealing with the sedimentation and the dead aquatic
3 life for years. The underfunded, understaffed DEP just
4 can't prevent this.

5 I'm asking the DEP to do the improbable,
6 unexpected thing here and think of people first. We're
7 in an abusive relationship with this industry. They say
8 we need them, and most people jump onboard. But like an
9 abusive parent, they destroy everything that might lead
10 to the ones they abuse having better prospects.

11 What I'm talking about here is land, water
12 and people. When this industry fades, clean energy
13 technology becomes too cheap for them to compete with.
14 We'll be left with nothing here, as usual. It's always
15 the same with the extraction industries.

16 Who's going to want to come here once
17 their fracking leaves their land and water unsafe? Who's
18 going to bring their kids here? Who's going to bring
19 their new business, their new idea? There's a reason
20 we're so far behind other places in West Virginia. And
21 it's only going to get worse if fracking spreads with the
22 approval of more pipelines. No one who's shaping the
23 future of our world wants to move to a fracking colony.

24 I'm a programmer. I'm a systems

1 administrator, I'm a programmer. I can tell you, none of
2 my coder friends want to come to West Virginia. All this
3 talk about jobs. What if you don't want to work for the
4 oil and gas industry? Nobody wants to come live in a
5 fracking colony. Nobody's going to bring their kids
6 here.

7 You want to tell me that Ritchie County
8 and Doddridge County have any kind of future after what
9 the industry's already done to them? You're delusional.
10 I'm asking that DEP deny the ACP's storm water permit to
11 help save our land, our water, our people and our future.
12 Thank you.

13 CHAIR: James, you're up. After James, it
14 is Heather Schneider. Heather is the last person to sign
15 up to speak tonight. So if you want to speak, the sign-
16 in sheets, as I've said before, are right there.

17 MR. KOTCON: My name is James Kotcon. And
18 I am chairman of the West Virginia Chapter of Sierra
19 Club. And I am from Morgantown, West Virginia. I've
20 heard a lot of the comments from the industry supporters.
21 And I am reminded of a quote I heard many years ago,
22 because the industry is feeding a lot of people.

23 When is it okay to bite the hand that
24 feeds you? And the answer is, when the hand is feeding

1 you poison. I'm going to present for the record a study
2 that came out just last week. Hydraulic fracturing and
3 infant health, new evidence from Pennsylvania. This
4 study shows a very significant correlation between
5 proximity to hydraulic fracturing well sites and low
6 infant birth rates, weight loss and other adverse health
7 outcomes for infants.

8 Now I want you to think about babies for a
9 little while. Because I think that's kind of why we're
10 all here. That is not an outcome we should be looking
11 forward to. That is not an outcome we would want to
12 impose on our neighbors. Those outcomes occur within two
13 miles of fracking sites. And they don't occur outside of
14 that range. It's very clearly localized to hydraulic
15 fracturing sites.

16 What does that have to do with pipelines?
17 When West Virginia Legislature passed the Horizontal Well
18 Control Act, they mandated a series of studies back in
19 2011. And those studies were completed. They were paid
20 for by DEP, which means us taxpayers. And they
21 identified a number of adverse air pollution impacts,
22 primarily associated with diesel emissions.

23 Constructing this pipeline is going to
24 have many of those same kinds of diesel emissions. I can

1 already predict what DEP is going to say in their
2 response to comments that this hearing is about water
3 pollution, it's not about air pollution and therefore
4 they won't address these comments. But if you look at
5 the rules, there is no place to address air pollution
6 impacts from pipeline construction. They are explicitly
7 exempted from air pollution impacts. It is unregulated.
8 It is the Wild, Wild West and they will do what they darn
9 well please.

10 Water issues have been addressed
11 repeatedly here and I won't repeat them other than to say
12 that the design of their water pollution and air
13 pollution needs to be based on sound data. It needs to
14 be strictly required. We need to adhere to the laws
15 requiring anti-degradation reviews and there needs to be
16 clear designs ahead of time.

17 The fact that DEP has still not got
18 complete designs from these sites and yet they're holding
19 a hearing on water pollution permit seems to me just if
20 not outrageous, at least pretty ridiculous and
21 embarrassing perhaps. There are many figures tonight
22 that say that construction can be done in an
23 environmentally responsible way.

24 But I would urge that we not fall for the

1 industry promises. The question is, will it be done in
2 an environmentally responsible way? And the record is
3 pretty clear that unless a company is required to do that
4 by mandatory provisions with detailed monitoring
5 requirements and stringent enforcement, the company's
6 going to lie. Do not fall for their promises.

7 DEP has to include detailed water quality
8 provisions that are enforceable, stringent and monitored.
9 And if they cannot do that, they should deny the permit.
10 Thank you.

11 MS. SCHNEIDER: My name is Heather
12 Schneider and I am a citizen of Upshur County,
13 specifically Buckhannon. And I am here to ask that you
14 do not approve the ACP's permit application. The
15 Atlantic Coast Pipeline's application does not meet the
16 requirements for the West Virginia Department of
17 Environmental Protection's oil and gas construction storm
18 water general permit.

19 Under the Clean Water Act, there needs to
20 be restoration, establishment, enhancement and/or in
21 certain circumstances, preservation of streams and other
22 aquatic resources for the purposes of offsetting adverse
23 impacts. These and other final mitigation or avoidance
24 measures of geologically sensitive areas are not included

1 in the application and are still being developed by
2 geotechnical engineers.

3 This is not substantive enough to ensure
4 that our water sources will be protected if the permit is
5 granted with this insufficient application. Site
6 specific designs are still being developed for locations
7 with unique geo-hazards and great potential for
8 instability. The use of riprap is proposed instead of
9 WVDEP's preferred method of restoration using natural
10 stream channel design for stream bank stabilization.

11 High quality tier three waters will be
12 crossed and must undergo an anti-degradation review as
13 required by the permit. Also, no water quality
14 monitoring is proposed. Monitoring may not be required,
15 but it can be requested. I am requesting it right now
16 for the people.

17 Monitors should be installed at sensitive
18 stream crossings similar to the efforts being conducted
19 along proposed pipeline routes in Virginia. There are
20 nine stream crossings. Nine. This monitoring effort
21 must collect baseline water quality data. And if the
22 pipeline is constructed, monitor water quality in these
23 streams before, during and after pipeline construction.
24 This data must be publically available. In near real-

1 time via USGS National Water Information System web
2 interface.

3 How long will we sacrifice our home, our
4 water on the altar of a few temporary jobs? Again, the
5 ACP's application does not meet the requirements for the
6 WVDEP's oil and gas construction storm water general
7 permit. Best industry practices. Best industry
8 practices are not the same as best environmental
9 protection practices. The environment is our home.
10 Thank you.

11 CHAIR: Next, Carrie Kline. After Carrie
12 Kline is Michael Kline.

13 MS. KLINE: I'm Carrie Kline. I live in
14 Elkins. The part of Randolph County that makes decisions
15 for the part of Randolph County that is going to have a
16 pipeline come through it if this happens. I understand
17 this is a hearing on storm water permits. And in some
18 ways that seems like a glossing over. It sounds like an
19 engineering term.

20 We're talking about water. We're talking
21 about drinking water. We're talking about bathing. And
22 I'm not a scientist. I'm an oral historian and a
23 folklorist and I work in the tourism industry. Doing
24 oral histories, we had the privilege and sorrow of

1 recording people's horrible stories of working in the gas
2 industry, living where wells are, compressor stations,
3 and being extremely sick.

4 I interview truckers who have been burned.
5 And if West Virginia were not designated as a national
6 sacrifice zone for energy that is, quote, unquote,
7 affordable for other people, they would not be trying to
8 put a pipeline through our communities. We deserve
9 better. We deserve jobs and renewable energy and
10 agriculture and tourism. It's a huge industry.

11 My motor coaches are not going to come. I
12 have a step on guide. They're not going to be able to
13 get through with these big pipes. Try turning left on
14 Randolph Avenue in Elkins. I hope none of you have to do
15 that now. There's not room for another vehicle.

16 Pipelines beget fracking. Don't kid
17 ourselves. The idea is pipelines and then we need ---
18 we've got to feed them. We've got to feed them more and
19 more. Each well pad uses six to eight million gallons of
20 water. If we think we're dry now, we're going to run out
21 of water. And even the industry knows this is a real
22 issue. That's why for the short term they will provide
23 people with this funny term, to me, water buffalos.

24 So you get that for a while, and then

1 you're dry. We can't live without water. And we can't
2 live with water that's got sediment in it. We can't
3 fish. People come to West Virginia to fish. You know
4 they do. And we all love our rivers. We fish, we swim,
5 we bring our children there.

6 The jobs come and the jobs go. There are
7 going to be less than 100 permanent jobs for over 600
8 miles of pipeline in three states. Not only is that a
9 poor way to build our economy. It's a poor way to
10 protect the pipeline. That doesn't include maintenance.

11 And I really feel for people who work as
12 biologists who work for the DEP, because you are so
13 understaffed. And you are working in a time of such
14 extreme deregulation. You're not given what you need to
15 protect our resources.

16 So as I said, tourism is a huge industry.
17 I know that. And I'm working with three regional
18 organizations in our part of the state to try to create
19 jobs so that young people here can stay. We have more
20 artists in this area. And I don't just mean visual
21 artists. You can't really lift a rock without finding a
22 musician around here.

23 We have a culture that is endangered. And
24 we want young people to be able to stay, and they want

1 to. They're trying to --- they're trying to build it up.
2 Downtown Buckhannon looks good. Elkins is trying too.
3 But they need --- they need to know that this is going to
4 be a place for art. They need to be able to sell their
5 art. The kind of jobs and the kind of culture that comes
6 in with pipelines and fracking is incompatible with a
7 tourism and arts industry with that kind of culture.

8 Pipelines leak and they burst. Even the
9 new Dakota Access pipeline just had a major leak. There
10 have been many, many leaks and pipelines and bursts and
11 someone mentioned Sissonville explosion, 12/12/2012.
12 These are dangerous. And between the Upshur ---
13 Buckhannon-Upshur High School and the State Troopers' is
14 where the pipeline is supposed to go.

15 What are we thinking? Let's think. Thank
16 you.

17 CHAIR: Up next, Michael Kline.

18 MR. KLINE: Thank you very much. In a
19 civilized society we wouldn't even need --- need to be
20 having these discussions. But as citizens are trying to
21 hold it together in a sacrifice, a national sacrifice
22 zone, which is what we're officially called by the
23 industry, by outside corporations. We're fighting --- we
24 feel that we're fighting for our lives.

1 As I think of this pipeline, as I think of
2 these huge sections of pipe, about three of them fit I
3 think on a big tractor trailer. What are they, 50 feet
4 long, 40 feet long, these huge long sections of pipe
5 coming through our town. As Carrie said, you can't get
6 through Elkins now without waiting, waiting, waiting. If
7 you live on a side street that doesn't have a red light,
8 you sit there and you wait.

9 That's the way it is now. What's it going
10 to be once they start hauling all that pipe through our
11 town? It has to come through Elkins. There are no
12 bypasses around Elkins. It's a bottleneck east and west.
13 It's a bottleneck north and south. And not only will
14 they bring sections of pipe, they will bring crews of
15 young, single predatory workers with them. All young men
16 are predators.

17 And during their hours off they will be
18 stalking our gymnasiums, our football fields, the aisles
19 of the Walmart looking for entertainment with our young
20 girls and young women. This is the character of pipeline
21 crews. It's a terrifying thing to think about as a
22 resident of Elkins.

23 But our subject here tonight is water,
24 isn't it? The trouble is, there are all these complex

1 relationships that are linked to water. And so there's
2 no easy way to talk about this. Like, Dominion is a
3 reliable company. Come on, have we all drunk the Kool-
4 Aid? What's going on here?

5 It takes six to eight million gallons of
6 water to frack a well. How much of that water is usable
7 after the fracking job? About ten percent. Ninety (90)
8 percent of the water that goes down into these wells is
9 forever taken out of circulation. The disrupted karst
10 formations leak water that is poisonous. It is poison
11 with radioactive materials that are loosened in the
12 operation. Nobody's mentioned radioactivity tonight.

13 This is a death trip. You want China to
14 come with their 86 trillion, gazillion dollars, however
15 many? Whatever suitcases full of money they're going to
16 bring to help us develop our resources? Come on people.
17 I can buy into energy self-sufficiency. I can buy into
18 that idea. But not one cubic whatever for export.

19 Why should we be compromising our water,
20 our children, our land, our future, so that some company
21 can ship our resources to Europe or to Middle Asia or to
22 China? We watched all of the coal in eastern Kentucky
23 stripped mined 40 years ago to satisfy the needs of the
24 Tennessee Valley, the TVA. I've been watching this for

1 nearly half a century, this kind of extraction. I know,
2 you want me to finish, okay.

3 But I'm saying all of this in love and
4 hope. I'm not saying it to degrade or belittle any of
5 you here tonight. But I think we need to approach this
6 mindfully and with an eye toward the future of our
7 families and our family lines. So God bless you all and
8 may God save us all.

9 CHAIR: That was the last person who is
10 signed up to speak. Anybody else who wishes to make a
11 public comment tonight?

12 MS. BIAS: My name is Olive Bias. I'm
13 from West Virginia. I've lived here all my life here
14 too. And my family are throughout various parts of
15 Appalachia. We were also at the hearings for the
16 pipeline for Mountain Valley Pipeline, Atlantic Coast
17 Pipeline in Richmond. So I'm going to go over some of
18 the notes that I gave over there as well.

19 So risk assessment for oil and gas
20 industry, I'm just going to include Atlantic Coast
21 Pipeline. There's evaporation pits for waste, and
22 there's landfills for waste, there's burial of waste.
23 There's a mist of waste water for evaporation, there's
24 transportation, there's land farming bioremediation,

1 there's going to be overburden and spoil relocation from
2 blown up mountains, which they are proposing to blow up
3 10 to 60 plus feet to put down this pipeline.

4 Lewis County will have compressors, which
5 will release methane at the compressor stations. All of
6 this stuff is toxic. And the federal regulations
7 actually exempts oversight for many of the procedures and
8 substances that are used for oil and gas wells. So it's
9 all a false sense of security when people say that, you
10 know, we don't need the 401, we've got the nationwide
11 permit from Army Corps. We're going to do the best we
12 can to take care of the environment.

13 I also want to acknowledge the Monacan
14 Nation, the Lumbee Tribe, the Haliwa-Saponi, the Coharie,
15 the Mohara and Eastern Cherokee. They're going to be
16 affected by having this pipeline laid down. Where the
17 FERC and Dominion did not do any consultation with many
18 of these tribes, because they are not federally
19 recognized. And that's a product of paper genocide and
20 colonialism.

21 And me myself being a mixed blood
22 indigenous person of Eastern Cherokee heritage, it pisses
23 me off. Because these are our ancestral lands that those
24 pipelines are going through.

1 So people mentioned the G150 Pipeline that
2 Dominion built. It contaminated 12 waterways within West
3 Virginia and the DEP requested info, went over there,
4 checked out the site. On and on and on. Doddridge
5 County had a pipeline of crude oil that never even got
6 reported when it spilled.

7 Pipeline Safety and Hazardous Material
8 Administration from 2003 to 2014 did studies that there
9 was at least 11,412 barrels of hazardous liquids alone
10 that got spilled from pipelines being built. And the
11 FERC from La Fleur but also the institute for energy
12 economics and financial analysis as well as the seventh
13 annual Marcellus and Utica mid-stream conference,
14 acknowledged the fact that over-building of pipelines is
15 a really big problem.

16 This pipelines don't need to get built at
17 all for them to be able to process gas to other areas
18 that they're trying to provide gas for. And that's been
19 acknowledged. And even with the Marcellus and Utica, you
20 know, shale reservoir of natural gas is going to get used
21 up if you're building pipelines. So like even with your
22 own logic if you want to put these pipelines down it
23 doesn't make any sense.

24 These pipelines are also going to be on

1 soil types from these mountains that are prone not only
2 to erosion, because it's acidic soils. But also
3 landslides. This is self-sabotage. There's no other way
4 to put it. Well, there is another way to put it. It's
5 what people said earlier, we're a sacrifice zone.

6 I also just want to acknowledge that I
7 think it's really important for the people that like have
8 lived here for most of our lives that this is not our
9 first rodeo when it comes to pipelines being built or
10 mountain top removal or coal mining. None of this stuff.
11 And I have family that's sick from this stuff.

12 And even when it comes to like secondary
13 containment facilities that just have chemicals that are
14 used for processing all of this stuff. People are
15 getting sick from that too. And as many people that came
16 from Dominion that have all these prepared statements
17 that they gave talking about, you know, we can trust
18 Dominion and I've worked the pipelines before and that I
19 can give personal testimony as to how safe it's going to
20 be.

21 Well, I know people that have worked
22 within coal and pipelines that can also state the exact
23 opposite. So I want to thank the people that came here
24 to have this be a more balanced argument I guess in

1 regards to talking about like the realities of these
2 pipelines getting laid down.

3 How many acres of state forest and
4 national forest that this is going to go through. How
5 many rivers, Shenandoah River, the Green Brier River, the
6 Potomac River. It's going to affect Appalachian Trail.
7 And even if people don't want to call this mountain top
8 removal for laying down this pipeline, you want to get
9 into semantics. Cool.

10 We're not getting blowing up the mountains
11 to get to the coal seams. But you're destroying ---.
12 What --- what arrogance do you have that you think you
13 can blow up the earth, deface the earth like that to lay
14 down a pipeline?

15 MS. BOLIN-CLEMENS: I got here really
16 late. But I just wanted to let you know that I care
17 about all of you. And I drove all the way from Richmond,
18 Virginia to come to talk to you. Because we are facing
19 the same situation, of course, in Virginia that you are.

20 And we have it on record, it's on film.
21 Dominion has admitted that there will be impacts to
22 streams, there will be impacts to wells. But they're
23 hoping minimal. And that's the key word, hoping. And
24 this is not okay. Your water is in danger.

1 West Virginia has got a long history of
2 the fuel industry. It also has a very long industry of
3 the coal. There was a time and a purpose for that. That
4 time is over. And it's time for us to start focusing on
5 renewable energies. There's absolutely no reason this
6 pipeline needs to be built. It is not slated to serve
7 you in any way. It's all for export.

8 It is not going to bring in tons of jobs.
9 They're going to be very temporary jobs, if you get one
10 of them. Because most of the --- I think a gentleman
11 alluded that they bring in their own people from outside
12 and set them at the man camps.

13 I'm not even going to talk about that.
14 But as an indigenous woman who was at Standing Rock for
15 eight months and know all about it, I can tell you about
16 the dangers of that.

17 But what I'm here today is to ask you to
18 continue to put pressure. To not give them this permit.
19 It's just too dangerous. There's too many questions.
20 Make them do every test under the sun. Because they've
21 not done their due diligence for your wellbeing. This is
22 your water. Just know that and hold onto that and make
23 them do the right thing. Thank you.

24 CHAIR: Is there anyone else who would

1 like to speak?

2 This concludes the public hearing on the
3 construction storm water permit for the Atlantic Coast
4 Pipeline. The comment period ends on December 31st,
5 2017. If you wish to receive a copy of the comments and
6 responses, please make sure your email address is on the
7 sign-in sheet.

8 Thank you for your participation. Have a
9 safe drive home.

10 UNIDENTIFIED MALE: May I just express my
11 appreciation for the opportunity of speaking tonight?
12 I've been to many of these meetings where it's not
13 permitted. And this was a very refreshing opportunity.
14 Thank you.

15 CHAIR: Thank you.

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18 HEARING CONCLUDED AT 7:32 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.



Court Reporter