

STATE OF WEST VIRGINIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: Atlantic Coast Pipeline (WVR310820)

PUBLIC HEARING

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BEFORE: JACOB GLANCE, Chair  
ED MAGUIRE, Office of the Environmental  
Advocate, WV DEP  
DENNIS STOTTLEMYER, Office of the  
Environmental Advocate, WV DEP  
JON MICHAEL BOSLEY, Division of Water and  
Waste Management, WV DEP  
RICHARD ADAMS, Division of Water and Waste  
Management, WV DEP

HEARING: Thursday, December 21, 2017  
6:00 p.m.

LOCATION: Pocahontas County High School  
271 Warrior Way  
Dunmore, WV 24934

Reporter: Guy Starrett

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WITNESSES: Greg Hefner, John Leyzorek, Amy Scott, Robin Mutschellar, Michael Holstine, Ted Lewis, Jim Pritt, Antonio Selario, Louise Borinsky, Tom Marion, Andy Mincell, Andrew Anderson, Traci Hickson, Kimberly Pitts, J.T. Arbogast, Dawn Barrett, Jim Bullard, Nikki Alikailos, Olive Bias, Michael Kline, Sam Herold, Charles Sheets, Fairleth Kelly, Hallie Herold, Carrie Kline, Allen Johnson, Maury Johnson, Mato Tanka, Tolly Peuleche, Doug Bernier

1  
2  
3  
4  
5  
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11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I N D E X

OPENING REMARKS

By Jacob Glance 5 - 8

TESTIMONY

By Greg Hefner 8 - 10

By John Leyzorek 10 - 13

By Amy Scott 13 - 17

By Robin Mutschellar 17 - 19

By Michael Holstine 19 - 20

By Ted Lewis 21 - 23

By Jim Pritt 23 - 26

By Antonio Selario 26 - 28

By Louise Borinsky 28 - 32

By Tom Marion 32 - 33

By Andy Kincell 33 - 34

By Andrew Anderson 34 - 37

By Traci Hickson 37 - 41

By Kimberly Pitts 41 - 45

By J.T. Arbogast 45 - 47

By Dawn Barrett 47 - 49

By Jim Bullard 50

By Nikki Alikailos 50 - 55

By Olive Bias 55 - 60

1	I N D E X (Cont.)	
2		
3	By Michael Kline	60 - 63
4	By Sam Herold	63 - 66
5	By Charles Sheets	66 - 67
6	By Fairleth Kelly	67 - 68
7	By Hallie Herold	69 - 71
8	By Carrie Kline	71 - 74
9	By Allen Johnson	75 - 79
10	By Maury Johnson	79 - 81
11	By Mato Tanka	81 - 83
12	By Tolly Peuleche	83 - 85
13	By Doug Bernier	85 - 86
14	CLOSING REMARKS	
15	By Jacob Glance	86 - 87
16	CERTIFICATE	88
17		
18		
19		
20		
21		
22		
23		
24		

E X H I B I T S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
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18  
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24

<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>	<u>Page</u> <u>Admitted</u>
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NONE OFFERED

## P R O C E E D I N G S

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CHAIR: Good evening, everybody. My name is Jake Glance from the Department of Environmental Protection's public information office. Welcome to tonight's public hearing on the Construction Stormwater Permit for the Atlantic Coast Pipeline. The permit number is WVR310820.

Also here this evening are Ed Maguire and Dennis Stottlemeyer with the Office of the Environmental Advocate, and 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 Stormwater 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 everyone to be respectful and considerate of each other by refraining from interrupting others while they're speaking, and keeping your comments on topic so that our time together is used efficiently.

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

8                   Please remember that this public hearing  
9 is not the proper forum for questions and answers. We  
10 are here to receive comments on this permit and will  
11 respond to each comment when we issue a decision.

12                   If you have any questions, please speak  
13 with the DEP representative at the conclusion of this  
14 public hearing.

15                   If anybody has any questions about the  
16 format of the public hearing, I can answer those  
17 questions now. What I'll do, I'll call your name. If  
18 you would come down, and just be careful of this wire  
19 here. Come down either side. Come to the mic. Make  
20 sure you speak directly into the mic so the Court  
21 Reporter can hear you, and the audience can hear you. If  
22 there's a question? Yes?

23                   AUDIENCE MEMBER: Do you take comments  
24 only on the permitting process tonight?

1                    CHAIR: We're talking about the  
2 Construction Stormwater Permit for the ACP.

3                    AUDIENCE MEMBER: But no other comments,  
4 though, right?

5                    CHAIR: We would like you to stay on the  
6 topic of the Construction Stormwater Permit, yes. We  
7 have a lot of speakers to get through tonight, so each  
8 speaker will be limited to five minutes.

9                    Any other questions? We will get started.

10                    Okay. Our first speaker is Greg Hefner.  
11 After Greg is John Leyzorek. After John is Amy Scott.

12                    MR. HEFNER: Good evening. My name is  
13 Greg Hefner. I'm here representing the Harrison County  
14 Economic Development Corporation, the Harrison County  
15 Chamber of Commerce, and the West Virginia Development  
16 Office.

17                    I wholeheartedly support the Atlantic  
18 Coast Pipeline, the approval of the stormwater pollution  
19 prevention plan, also known as SWPPP, and the general  
20 water pollution control permit.

21                    This project will be an enormous boost to  
22 West Virginia's economy, and it absolutely must be built.  
23 The project will make our natural gas more accessible to  
24 new and growing markets in West Virginia and in the

1 region. The construction of this project will be one of  
2 the largest capital projects ever built in West Virginia,  
3 and will create thousands of new jobs and hundreds of  
4 millions of dollars in new economic activity.

5 It will provide opportunity for many West  
6 Virginians to return home, be united with family, and  
7 also earn a good living.

8 The SWPPP permit merits approval by the  
9 DEP. It contains strong measures to protect West  
10 Virginia's bodies of water, wetlands, ensuring  
11 construction of the pipeline does not damage the West  
12 Virginia environment, which we all know and love. There  
13 is no way I could stand here and support this project if  
14 I thought that this project would damage West Virginia's  
15 environment, especially its water supply. The project  
16 plan contains highly advanced procedures and technologies  
17 for safely crossing streams, rivers and wetlands that  
18 will protect water quality, as well as fish and other  
19 aquatic life.

20 Dominion is a good neighbor. They have  
21 been for decades. They have a proven track record for  
22 doing things in a responsible, environmentally safe  
23 manner. They will employ the best in techniques, the  
24 best in class techniques that will surpass both state and

1 federal standards. These techniques are documented in  
2 both the SWPPP and the general permit.

3           Once construction is completed, steps will  
4 be taken to restore the ground surface as closely as  
5 possible to original contours. Restoration measures will  
6 include permit erosion and sediment control. And the  
7 replanting of rights-of-way will be considered successful  
8 only when the vegetation is mature enough to survive and  
9 inhibit erosion.

10           Thank you very much for the opportunity to  
11 speak this evening. I appreciate it. I believe I speak  
12 for the majority of West Virginians in saying that this  
13 pipeline absolutely has to be built, and I'm confident  
14 that it will be done in an environmentally safe manner.  
15 Thank you.

16           CHAIR: Next, John Leyzorek. After John  
17 is Amy Scott. After Amy, is Robin Mutschellar.

18           MR. LEYZOREK: Thank you very much.  
19 Contrary to what we just heard, I have read a lot of the  
20 post-plan documents submitted to the regulatory agency's  
21 line for the Atlantic Coast Pipeline. And there are no  
22 adequate engineering controls which have been developed  
23 and described which can prevent serious erosion and  
24 environmental degradation of a lot of the steep slopes

1 that the pipeline has proposed to traverse. We are ---  
2 all of the regulatory agencies operate on the basis of  
3 information submitted by the applicant.

4           So the only thing I have to say is quite  
5 relevant to this because the applicant is not being  
6 honest and forthcoming, and not operating in good faith.  
7 And I can prove this, so all of the assurances provided  
8 by the applicant of best practices and all this stuff can  
9 go out the window. So here's my proof. I happen to live  
10 about five miles from the proposed line of the pipeline.  
11 And I was approached, I believe back in September, by a  
12 land man associated with Dole Allen Engineering Services  
13 working for ACP, who wants to buy a right-of-way to use  
14 part of an existing forest service way that I happen to  
15 own.

16           So I met with the guy from the land  
17 services, and he made me an absurd offer. And I said  
18 it's probably about 1,000 feet of road. I don't know  
19 exactly how much. And he said, well, we think it's  
20 900-some feet. And I said, well, you haven't made me an  
21 offer that I can entertain in terms of money. And I want  
22 some conditions added to this contract. What's the  
23 problem with the contract? I said I want a promise to  
24 limit herbicide use to the right-of-way. I want a

1 promise that only the existing road will be approved to  
2 use and you won't build a new one. And there was another  
3 condition. I don't remember what it was. It doesn't  
4 matter. But he said, fine, okay, you can have those  
5 conditions. We'll have to get back to you as soon as we  
6 can offer you some more. So some time went by and he  
7 came back with another ridiculous offer. I think we went  
8 through this process one more time. And eventually, I  
9 said I want your offer in writing, because, you know, I  
10 want to see what they really offered. So I got the offer  
11 in writing about a month later. None of the conditions  
12 to which he had agreed had been added to the boilerplate  
13 contract, and now, they say that I only own 750 feet of  
14 the road when the foreman said he thought it was 900 and  
15 some.

16                   As it happens, I went for a walk today to  
17 measure it. I own 2,034 feet of that right-of-way.  
18 These people lie about everything they touch. Everything  
19 they could offer them a convenience, everything they  
20 could say to the landowner, anything that could deceive  
21 the regulators.

22                   So my specific message for the DEP, you  
23 have heard what I have said. I have documentation to  
24 prove it. Regulatory agencies operate in good faith

1 based on the information they are given by the  
2 applicants. I have now proved to everybody in this room  
3 that there is no good faith in the ACP. And if the DEP  
4 acts in what they would like to claim is good faith on  
5 information that's been provided by the applicant, and if  
6 there are negative consequences, the DEP personnel who  
7 have acted on information supplied by ACP will now be  
8 personally culpable for the damage because they can no  
9 longer hide behind the concept of the lines of good faith  
10 and information given by the applicant. This applicant  
11 cannot be trusted and I can prove it. Thanks.

12 CHAIR: Up next, Amy Scott. After Amy is  
13 Robin. And after Robin is Michael Holstine.

14 MS. SCOTT: Can you lower that? Can you  
15 hear me? My name is Amy Scott. I reside in Dunmore,  
16 West Virginia. Dominion's Atlantic Coast Pipeline  
17 application does not meet the requirements of West  
18 Virginia DEP's oil and gas Construction Stormwater  
19 Permit.

20 Final mitigation and avoidance measures  
21 for geologically sensitive areas are not included.  
22 Site-specific designs for locations with unique  
23 geohazards or potential instability are not completed.

24 Dominion proposes to use riprap instead of

1 West Virginia DEP's preferred method, natural stream  
2 channel design techniques. No water quality monitoring  
3 is proposed by Dominion. I'm requesting West Virginia  
4 DEP to require all necessary permit data be submitted  
5 prior to evaluating the permit application.

6           Furthermore, as a consequence of Austin  
7 Caperton's advocacy of West Virginia 401 permit review,  
8 I'm requesting that West Virginia DEP's technical staff  
9 be allowed to conduct a thorough review of the stormwater  
10 permit, including specific measureable limits in the  
11 permit to protect waters, and provide immediate cease and  
12 desist triggers for violations that degrade water  
13 quality. The ACP has routed intention by Dominion over  
14 several large coarsed areas in Randolph and Pocahontas  
15 Counties, inclusive of Elk River, Clover Lick Creek and  
16 their tributaries.

17           The Elk River sinks underground in various  
18 spots along the Old Field, Big Spring and Slatyfork  
19 branches continuing through the Dry Fork section down to  
20 Elk Springs. Similarly, Clover Lick Creek sinks  
21 underground in various spots. The neighboring springs  
22 that feed its waters are beautiful. It is evidence that  
23 ground waters and surface waters interface throughout  
24 these areas. Complete studies have not been done. The

1 1997 dye tests listed in FERC's final EIS are a  
2 literature search for information, not an assessment of  
3 the water flows through the region.

4           The **thermal** formal dye testing with public  
5 notification should be done to determine water flow in  
6 connection to the private wells, springs and surface  
7 waters prior to issuing the water permit.

8           Dominion has identified 8.6 miles of  
9 bedrock and karst that they have requested permission to  
10 blast. FERC's EIA documented that Dominion's karst  
11 mitigation plan was incomplete and that additional data  
12 was needed. The probability of contaminating private  
13 drinking water, springs, surface water and ground water  
14 is most acute at Clover Lick, where the steepness of the  
15 pipeline is one of the two places where FERC's EIS  
16 considered landslides and spoils contamination to be  
17 unavoidable given Dominion's proposed construction  
18 practices. Dominion's current --- excuse me.

19           The placement of the ACP on Clover Lick  
20 Mountain, along Clover Lick Creek, and across the  
21 Greenbrier River provides a perfect source for  
22 contamination affecting many residents. No engineer  
23 would intentionally select the route along Clover Lick  
24 Mountain and Clover Lick Creek given slopes greater than

1 40 percent, dropping onto karst topography, following the  
2 trout stream with numerous springs and underground sinks,  
3 down to the Greenbrier. Yet, Dominion, with their poor  
4 environmental record, did.

5           Section 2.19 of requirements governing  
6 water quality standards define trout waters as waters  
7 sustaining around trout populations. Excluded are waters  
8 which receive annual stockings of trout that do not  
9 support year-round trout populations. Appendix A of West  
10 Virginia Code 47-2-4 lists B2 trout waters --- listing B2  
11 trout waters clearly states this list contains known  
12 trout waters, and is not intended to exclude any waters  
13 which meet the definition in Section 2.19.

14           Clover Lick Creek supports a breeding  
15 population of brook trout. My husband and others have  
16 fished its waters and can attest to the fact shock  
17 sampling of the creek confirmed trout population, brook  
18 trout presence. Dominion scrupulously avoids labeling it  
19 as trout water, bypassing the necessary restrictions that  
20 would be imposed to protect the fish.

21           As stated before, as Dominion as not  
22 completed the necessary surveys of aquatic life, their  
23 application should not be considered until all of the  
24 required studies and information is submitted. I am

1 requesting that Clover Lick be properly labeled as the  
2 trout water it is. Furthermore, I am requesting water  
3 quality monitoring be required with monitors installed at  
4 sensitive stream crossing, similar to those required in  
5 Virginia along the pipeline route. As a tier three  
6 waters - and that tier three waters require  
7 antidegradation review.

8 I'm requesting that a maximum ten NTU  
9 turbidity limit be included for Clover Lick Creek, as  
10 research documents adverse effects on trout when  
11 turbidity increase ten NTUs above baseline. Existing  
12 monthly water monitoring of the creek done by Trout  
13 Unlimited can be used as a baseline. I have participated  
14 in that. We've been doing it for a year. It's  
15 available. And the turbidity is zero.

16 CHAIR: Robin is up next. After Robin is  
17 Michael Holstine. After Michael Holstine is Ted Lewis.

18 MS. MUTSCHELLAR: My name is Robin  
19 Mutschellar. I'm a Dominion Energy employee at the Bath  
20 County Pump Storage Station, and I am a long-time  
21 resident of Marlinton. I'm here today to thank you for  
22 giving me the time to provide my personal comment today.

23 I want the DEP to know that I am a strong  
24 supporter of the Atlantic Coast Pipeline. I believe the

1 benefits of the pipeline will be new jobs, lower energy  
2 costs, cleaner air, and it will help us achieve energy  
3 independence. I also believe our local community will  
4 benefit from the tax revenue generated by the pipeline,  
5 as well as the increased economic activity during  
6 construction. However, I also want the DEP to know that  
7 I would not support this project no matter how much  
8 economic value if I thought it would damage our state's  
9 natural resources in any way, including its water  
10 quality.

11 I have no such misgivings. I am convinced  
12 that the stormwater pollution prevention plan and the  
13 general water pollution control permit will guarantee  
14 that the project can be built and operated in ways that  
15 protect West Virginia's water quality. I also believe  
16 the project's developers, including Dominion Energy, the  
17 partner in charge of construction and operation, are  
18 committed to carrying out this project in an  
19 environmentally sound way.

20 In fact, they have taken numerous steps  
21 themselves to make sure the pipeline protects our natural  
22 resources and is operated safely.

23 As a Dominion employee, I have seen  
24 firsthand Dominion's high standard with regards to

1 protecting the environment. I also believe that Dominion  
2 Energy is committed to constructing the project in ways  
3 that will minimize sedimentation, prevent future erosion  
4 and minimize the impact on bodies of water, wetlands and  
5 aquatic organisms.

6                   So I urge you to approve the stormwater  
7 SWPPP and the general permit. I believe the combination  
8 of the strong conditions and the regulatory documents,  
9 plus the steps developers are taking to protect West  
10 Virginia's natural resources will ensure this important  
11 project is built and operated in an environmentally sound  
12 way. Thank you.

13                   CHAIR: Michael Holstine is up now. After  
14 Michael is Ted Lewis. After Ted Lewis is Jim Pritt.

15                   MR. HOLSTINE: Thank you. And I want to  
16 thank the DEP for holding this public hearing and  
17 allowing us to speak to the project. Most of you or many  
18 of you probably know me and my activities here in the  
19 County. I'm speaking as a landowner here in Dunmore and  
20 not part of any of the organizations that I belong to.

21                   But I am a big believer in economic  
22 development. And I do believe that the County needs a  
23 good economic base. I am speaking from a chapter in my  
24 life where I worked for construction grants within the

1 West Virginia Department of Natural Resources prior to it  
2 being assumed by the DEP. And we did nothing but  
3 construction projects throughout the state of West  
4 Virginia. And I do know the thousands of hours that it's  
5 going to take to get these plans approved, designed and  
6 monitored once construction begins. And I do know  
7 personally the engineers that are working on this  
8 project. And I have worked on projects with them in  
9 prior years. I trust that they do have the best  
10 interests of Pocahontas County in mind for most of the  
11 routes or all of the routes of this pipeline.

12           And I do think that the pipeline is a good  
13 this for us to have for economic reasons. It's also  
14 going to be a boost to a lot of the businesses along its  
15 route. And I think that the comments that were made on  
16 water quality are an absolute must. We have to protect  
17 what we have here in this county. I'm assured that the  
18 DEP and the engineers will take all of that into  
19 consideration, and there will be proper monitoring of  
20 this project and proper design of the layout.

21           So I support the pipeline. I support the  
22 DEP's review and approval of the stormwater protection  
23 plan. And I thank you for the opportunity to speak.

24           CHAIR: Ted Lewis up now. After Ted is

1 Jim Pritt. After Jim Pritt is Antonio Selario.

2 MR. LEWIS: Good evening. My name is Ted  
3 Lewis. I'm a senior principal with GeoConcepts  
4 Engineering. We're working on behalf of Dominion to  
5 conduct the karst surveys and studies for the project.

6 Our firm is located in Loudoun County,  
7 Virginia and we specialize in karst studies. Most of our  
8 projects involve building roads or buildings over karst.  
9 We got involved in this project because we did --- we  
10 helped a conservation fund about four years ago develop  
11 the avoidance and minimization measures for pipelines  
12 when working in areas where the Madison Cave isopod is  
13 present, which is a federally endangered species that  
14 only lives in karst ground water.

15 The avoidance and minimization measures  
16 were adopted by the ACP project where the strategy is to  
17 protect the ground water and protect the karst features,  
18 regardless of whether the Madison Cave isopod is present.  
19 And the goal is to minimize impact to the ground water.

20 We completed several studies. The first  
21 study we completed is the karst mitigation plan. The  
22 karst mitigation plan provides the methodology for  
23 conducting karst surveys along the alignment. It also  
24 provides the protocols for addressing or mitigating karst

1 features that are encountered during construction or that  
2 form during construction. And it also provides the karst  
3 mitigation conservation procedures that the construction  
4 project will have to implement.

5           The second study we completed is a karst  
6 survey report, which actually documents all of the karst  
7 features that are present along --- within a quarter-mile  
8 of the alignment. This survey also provides a specific  
9 GPS location and provides the condition of the karst  
10 features. It also provides a risk rating for each karst  
11 feature depending on a series of factors that determine  
12 how it's going to be protected.

13           We also are in the process of conducting  
14 an electric resistivity imaging geophysical survey along  
15 the alignment so that we can look for karst features  
16 below the ground surface that aren't present. This  
17 survey data will be used during construction to help  
18 mitigate and determine if remediation of specific karst  
19 features are needed.

20           During construction, our firm will have  
21 full-time karst geologists on site whenever there's  
22 excavations in the karst geology, and our role is to  
23 identify undocumented karst features opened up during  
24 construction, but also to verify that the mitigation and

1 conservation procedures that are included in the  
2 mitigation plan are being implemented.

3 In addition, we will providing daily  
4 reports of our observations.

5 After construction, our karst specialists  
6 will be responsible for walking the entire pipeline where  
7 karst is present and looking at the karst features that  
8 were documented. And we'll be there one year after  
9 construction is complete, two years after construction,  
10 and five years after construction in order to document  
11 that the karst features haven't changed or been  
12 negatively impacted. And that's our role during  
13 construction.

14 CHAIR: Up next is Jim Pritt. After Jim  
15 is Antonio. After Antonio is Louise Borinsky.

16 MR. PRITT: The mic is almost too tall for  
17 me. My name is Jim Pritt. I am with Independent Oil and  
18 Gas Association of West Virginia. We represent about 600  
19 companies all across the state that are doing these wells  
20 during business. I'm also --- I also grew up in Randolph  
21 County, so I'm familiar, very familiar with this whole  
22 area.

23 As a board member and also treasurer of  
24 IOGA of West Virginia, I'm here to support the approval

1 of the Atlantic Coast Pipeline and necessary permits  
2 needed for the construction of pipeline. West Virginians  
3 are aware that these public meetings are a critical step  
4 in getting the final certification for the Atlantic Coast  
5 Pipeline project.

6 IOGA of West Virginia firmly believes that  
7 the Atlantic Coast Pipeline is a vital and critically  
8 important infrastructure project for West Virginia  
9 producers and West Virginia. Energy efficient, clean  
10 burning natural gas produced in West Virginia will, in  
11 part, provide a much needed additional supply of natural  
12 gas to public utilities that are needed to meet the ever-  
13 growing demand of the millions of residents ---  
14 residential, commercial, and industrial customers they  
15 serve.

16 Natural gas produced in West Virginia and  
17 transported across the ACP will be a canvas to creating  
18 much-needed investment, tax-revenue jobs that are a  
19 critical part of tge West Virginia economy. In addition,  
20 natural gas is clean and reliable.

21 The construction of the Atlantic Coast  
22 Pipeline is a step towards energy independence for our  
23 country. The Atlantic Coast Pipeline in a crucial  
24 infrastructure project that has had nearly two years to

1 review and input from federal, state and local bodies,  
2 and will have an impact, a positive impact, on our  
3 communities, economy, and ultimately the environment.

4 I would urge you do not delay this  
5 necessary project pipeline. I normally don't go off-  
6 script, but I'm also the coach here of the Energy  
7 Commerce Committee of West Virginia. I've taken the  
8 opportunity to speak in front of the legislature a few  
9 times these last couple months. Over the last three  
10 years, West Virginia has lost \$1.5 billion because we  
11 can't get our gas out of the Appalachian Basin. Our  
12 negative basis is killing us. Many of us producers are  
13 losing --- could get thousands of employees. We  
14 represent thousands of loyalty interests all over our  
15 state who derive a lot of money from --- what we do is  
16 drilling. We have to get the gas monitors out of our  
17 basin.

18 Those interest owners in our state or our  
19 residents have lost \$250 million in the last three years.  
20 The state has lost \$100 million in severance tax. We  
21 need the ACP project done. We also need to get the  
22 Mountain Valley Pipeline done. We need the Rover  
23 Pipeline done. We are working on that Appalachian Hub,  
24 as you know, with the Chinese in investments and building

1 the cracker plants, building out that, and that will keep  
2 going, and a lot of that enters here, so we can produce  
3 more jobs. So we're at the very cusp of doing a lot of  
4 great things in West Virginia. And I understand  
5 everyone's concerns.

6 I work for a company, EnerVest, and we go  
7 all over the country, Texas, Oklahoma, everywhere. We  
8 put our gas in all types of pipelines all of the country.  
9 I can undoubtedly say that Dominion, in our opinion, is  
10 the safest, most responsible pipeline that we've ever  
11 seen. The detail of what they've done for this project  
12 is probably the most I've seen anywhere in this country.  
13 I have no --- I wouldn't be up here today --- I like to  
14 hunt. I fish, I trout fish. I do all those things. I  
15 wouldn't be here today if I had known that Dominion would  
16 not do the right thing. They're a company that does the  
17 right thing. So there again, on behalf of Cuyahoga, West  
18 Virginia, I hope that everyone will support this project.  
19 Thank you.

20 CHAIR: Antonio is up next. After Antonio  
21 is Louise Borinsky. After Louise is Tom Marion.

22 MR. SELARIO: Good evening. My name is  
23 Antonio Selario. And I'm here to speak in support of the  
24 Atlantic Coast Pipeline project stormwater pollution plan

1 permit, the general water permit. The Atlantic Coast  
2 Pipeline project is designed to supply enough natural gas  
3 to meet the daily needs of millions of homes in West  
4 Virginia, Virginia and North Carolina. I'm a regional  
5 sales manager at Cleveland Brothers Equipment Company.  
6 We are a Caterpillar dealer with 27 locations in  
7 Pennsylvania and West Virginia, including Clarksburg and  
8 Shinnston, West Virginia. We are a family-owned company  
9 founded in 1948. We employ over 1,100 employees, both  
10 union and non-union, and invest over half a billion  
11 dollars in Caterpillar equipment and engines since 2010,  
12 supporting the oil and gas industry in West Virginia,  
13 including pipeline contractors, as well as many other  
14 traditional customers who work in this industry. Our  
15 company has close longstanding supply relationships with  
16 the contractors operating throughout West Virginia,  
17 including many of those that have been involved in this  
18 project.

19                   The pipeline companies that will be doing  
20 this work on this project are known for employing the  
21 best practices in construction, including earth moving,  
22 material handling and land restoration. Also at stake in  
23 this project approval are the jobs of many thousands of  
24 workers in West Virginia, the production of natural gas

1 and natural gas liquids in shale formats across West  
2 Virginia. Because of all the construction and energy  
3 production activities, this pipeline will enable  
4 communities throughout West Virginia to benefit from  
5 workers' income earned, much of it spent locally, and  
6 bring stability to the regions that the pipeline touches.

7 West Virginia's economy as a whole will  
8 benefit greatly. And from an energy-independent  
9 standpoint, projects like the Atlantic Coast will enable  
10 this abundant, clean and domestic fuel to be provided  
11 across our state in a safe manner and reducing our  
12 dependence on other foreign governments for energy.  
13 Thank you for your time.

14 CHAIR: Louise?

15 MS. BORINSKY: Coming.

16 CHAIR: After Louise is Tom Marion. And  
17 after Tom is Andrew Kincell.

18 MS. BORINSKY: Good evening. I'm here  
19 again tonight, as I always come to these meetings. I  
20 don't know a lot about this pipeline and about all the  
21 big details. And I haven't gone to any big things and  
22 say this is right and that's right, and this is wrong and  
23 that's right. I haven't done that because I'm an old  
24 woman, and I was born and raised in this county. I want

1 to tell you something. I've had a hard life, but I've  
2 had a good life. And as far as tearing up our country  
3 and tearing up our country, I don't think anyone from  
4 Dominion, nowhere else, is going to come here and tear  
5 our country up. We need to be proud of our Pocahontas  
6 County.

7 I want to tell you something. Years ago,  
8 my husband decided he didn't want to stay around  
9 Pocahontas County, so we went --- he went in the service.  
10 And we stayed over and he fought in the Korean War. And  
11 we decided when we --- he was offered a great job to stay  
12 up there. And we said no. We're coming back home  
13 because we don't have anything back home. And we're  
14 going to come back home. He come back home and went to  
15 work at the old tannery. Many, many a night he never  
16 slept because his hands were eat up with some kind of  
17 that stuff we worked in. And when we went --- in fact,  
18 when he came back, when he went to the service, he was  
19 working there. And you know they wouldn't even let him  
20 go in the cafeteria because his hands had some kind of  
21 stuff on it. And he got out of the dishwashing in that  
22 Air Force job.

23 But I want to tell you something right  
24 now. He finally got a job with the state trout hatchery

1 at Mullins in West Virginia. And oh, we were so happy.  
2 We were so happy, we didn't know what to do. We went  
3 down there. And he worked there for years and years and  
4 years. Worked day and night. Worked day and night for  
5 them. He had the stay if it rained, stay if it didn't  
6 rain, because if it rained, the water was bad. If it  
7 didn't rain, we didn't have enough and y'all wouldn't  
8 have had any fish. That's the truth. But I'm going to  
9 tell you something right now. That was a great job for  
10 us. And something is --- this summer, I had visitors and  
11 I went to see the hatchery. And I left down there in a  
12 fury and wouldn't tell nobody that I was there. They  
13 said let's go look. Do you have more? I did not want  
14 them to see it. If you would see our hatchery now in  
15 Pocahontas County, they have no water. And Dominion did  
16 not do it. That's exactly what I'm going to tell you  
17 people.

18                   We need economy here. I have children  
19 that had to go away from home because they couldn't find  
20 a job. I had one son that stayed here in Pocahontas  
21 County to take care of me, and he passed away 20 years  
22 ago at 51 years of age. He was taking care of me. But  
23 I'm going to tell you something right now. He stayed  
24 here, but he barely makes it. He barely makes it.

1 Because his retirement is hardly enough to go. I worked  
2 for the Board of Education and went to work in the 1960s  
3 for 93 cents an hour feeding my little children in  
4 Pocahontas County. I loved every minute that I done it.  
5 I didn't have to go out here and beg somebody for  
6 something. No. I didn't have very much. But we didn't  
7 have very much. But we had love. And we had the  
8 Pocahontas County people that helped us.

9                   We have no schools that amount to anything  
10 now. Our schools have gone to pot. Every time you pick  
11 up the paper, it's some bad thing of what the Board of  
12 Education has done and what they haven't done because we  
13 have no money to operate them, folks. We have no money.  
14 I can't even go to the grocery store. I don't drive. I  
15 have a bad leg, which I still take care of. But I can't  
16 even walk to the grocery store now. We don't even have a  
17 grocery store in Mullins. You can't even go get a loaf  
18 of bread anymore unless you walk half a mile across the  
19 street over the bridge. I tell you people we need  
20 something that comes to this county that's going to help  
21 us.

22                   And I'm a full supporter of Dominion. I  
23 have been ever since I heard of them. And they have been  
24 so kind and so gracious to our city people here, what

1 we've done. And helped us out and helped the children in  
2 every way they know how. And I do not believe they're  
3 going to hurt Pocahontas County. Now, if you don't  
4 believe it, let's just wait and see. Thank you very much  
5 for letting me talk.

6 CHAIR: Tom Marion up next. After Tom is  
7 Andy Kincell. After Andy is Andrew Anderson.

8 MR. MARION: Good evening, everybody. My  
9 name is Tom Marion. I work for the Thrasher Group, and I  
10 wanted to come voice my opinion, my support for this  
11 pipeline project, the ACP pipeline. I know we're here to  
12 talk about the general stormwater permit and how that may  
13 affect the area. I've worked with the DEP on numerous  
14 projects looking at specifically stormwater pollution  
15 prevention. The DEP thoroughly vets and reviews the  
16 engineering design plans to ensure that these plans are  
17 using the best management practices, trying to reduce any  
18 sedimentation that may impact our watersheds. And I'm  
19 sure that is going to be in effect on this project, as  
20 well.

21 In addition to that, during construction,  
22 the DEP will have inspectors out walking the lines  
23 checking to ensure that we aren't having sediment coming  
24 into the watersheds, making sure that the controls that

1 were designed and installed are functioning properly and  
2 just keeping an eye on the project. So I would like to  
3 fully support this project. I think it's in the best  
4 interest of not only our state, but also our local  
5 economies. So thank you.

6 CHAIR: Andy Kincell is up next. After  
7 Andy, Andrew Anderson. After Andrew is Traci Hickson.

8 MR. KINCELL: Hi. My name is Andy  
9 Kincell. And I also work for the Thrasher Group. One, I  
10 want to applaud the DEP for putting this together. And  
11 two, for being ahead of the eight ball. We work in a lot  
12 of surrounding states, and when this oil and gas boom hit  
13 in the Appalachian basin, a lot of states have been  
14 playing catch up trying to get the environmental part  
15 caught up. West Virginia, we started --- they got right  
16 out in front of it, and they are there trying to protect  
17 every part of our environment here. And as an avid  
18 fisher and hunter, I grew up coming down here with my dad  
19 to fish. And I'm counting on still coming down with my  
20 young sons and get them on the Dry Fork, which is one of  
21 my most favorite places to fish. I love this area. I  
22 love West Virginia. I left the state when I got out of  
23 college because there wasn't anything here for me. I got  
24 to come back. I got lucky. I worked for the Department

1 of Highways and came back. And now, I'm with a great  
2 engineering firm that we strive to keep things as they  
3 are in West Virginia because the majority of our company  
4 is avid fishermen and hunter men. So you know, I want to  
5 see this go through. I want to see jobs. And I love her  
6 for coming up and giving her opinion of how she struggled  
7 through here because that is how West Virginia is  
8 perceived outside of West Virginia. We need these things  
9 so that our kids get to stay here and don't have to go  
10 away and leave us, to be able to stay here. I am fully  
11 in support of this.

12 CHAIR: Andrew Anderson up next. After  
13 Andrew is Traci Hickson. After Traci is Kimberly Pitts.

14 MR. ANDERSON: Good evening. My name is  
15 Andrew Anderson. I'm the director of business  
16 development for Service Pump and Supply. I'm a native to  
17 West Virginia, born and raised. I'm a WVU grad. As a  
18 child, I actually spent every summer on the Summersville  
19 Lake. And then actually while I was in college, I was a  
20 whitewater rafter down on the New Valley Rivers. And  
21 since then, I graduated from engineering school. I'm an  
22 avid outdoorsmen, fishermen. I've fly-fished all over  
23 the country, but mostly West Virginia because I think  
24 it's the greatest state in the union. And I'm a huge

1 supporter of West Virginia water.

2                   Service Pump and Supply, who I work for,  
3 is a Huntington-based company that's locally owned.  
4 We've been managing water in this region for over 37  
5 years, everything from taking water out of rivers, moving  
6 water, managing water, storing water, clean water, dirty  
7 water. Water is what we do. Every day I wake up and I  
8 work on water projects. Actually, I barely prepared for  
9 this today because I was helping a client that had a huge  
10 issue with water today, that had dirty water. We had to  
11 pump it and move it. So I'm not even well-prepared  
12 because I was working on water problems today.

13                   So yeah, we work in this region  
14 constantly. We actually work in five states in the  
15 region working on water issues. And I'm here today to  
16 state my strong support for Atlantic Coast Pipeline and  
17 approval of all permits, and approval of administration.  
18 And there's three primary reasons. One is economic  
19 development. Mr. Pritt actually hit on it really well,  
20 wherever he went. This is really needed. I have boots  
21 on the ground and working with these guys every single  
22 day that need jobs, want jobs. These are good paying  
23 jobs that will allow people that are here to have high  
24 quality jobs and pay taxes into our communities to help

1 our schools. And also, people that left the state --- my  
2 brother left the state as an engineer. There wasn't work  
3 for him. So he lives in North Carolina. People like him  
4 have the potential with this project to come back to the  
5 state to work, to get back in their community where they  
6 want to be. It's sometimes hard to do that in West  
7 Virginia, but these types of projects are what will allow  
8 us to be competitive on a national level.

9           The second reason is affordable and  
10 reliable energy. Whether you work for an energy services  
11 company or energy company, or just have a light in your  
12 house, affordable and reliable energy are great for us.  
13 We all cook with natural gas. We cook with electricity.  
14 These things impact everybody day to day.

15           When I leave here in Pocahontas County,  
16 I'm going to fill up my truck. And I'm probably going to  
17 get like a sandwich somewhere. So these little small  
18 things make it affordable and reliable for each and every  
19 one of us. Every little thing, everything we buy is  
20 transported, is cheaper. So affordable, reliable energy  
21 helps every single person, not just companies, not just  
22 business owners, not people drilling holes in the ground.  
23 It helps everybody in the country.

24           And the third and the most important

1 reason is I am very confident that this can be done in an  
2 environmentally-friendly way without damage to our local  
3 environment. And if there was --- if I thought there was  
4 a reasonable chance that we would negatively impact the  
5 water in West Virginia or our environment, I wouldn't  
6 stand here and say this.

7                   So I love West Virginia and I love water.  
8 And I want to see growth and economic development. And  
9 that's why I'm here to state my support for the Atlantic  
10 Coast Pipeline. Thank you very much.

11                   CHAIR: Traci Hickson is up next. After  
12 Traci is Kimberly. After Kimberly is J.T. Arbogast.

13                   MS. HICKSON: Hi, I'm Traci. I'm from  
14 Katz. I wonder what we all really are here for. It  
15 seems to me that West Virginia's DEP director has been  
16 playing Santa Claus or maybe Governor Justice is Santa  
17 and the DEP director is just to help her out. But as  
18 Santa, they've been giving away some big gifts to big  
19 business, the dirty fossil-fuel business here in the  
20 state.

21                   And, you know, I filed ten pages of  
22 detailed technical comments to the DEP over the 401C  
23 water quality permit. And I just --- I don't think the  
24 state is valuing our most precious resource, water.

1 There is nothing more valuable to this state than our  
2 water. And we're here to talk about a stormwater permit,  
3 a blanket permit for more than 2,500 acres of bare,  
4 denuded land that they're going to try and cover up with  
5 some seed mixes. And you know what? It's all going to  
6 be like a spread of invasive species. Japanese  
7 stiltgrass, garlic mustard, aquatic invasives. And this  
8 has not been addressed. This is not going to be  
9 addressed by the sewer and water permit. There are a  
10 full range of cumulative impacts that that 401C water  
11 permit review would have seen to.

12 But you know, I read one of the amendment  
13 comments from Dominion Gas to DEP. And it kind of took  
14 me aback because it said sediment is the only parameter  
15 of concern of concern for this project. So I guess that  
16 means there's no room here to talk about the risks and  
17 safety issues that our volunteer fire and rescue folks  
18 will face here in the county. There's no room to talk  
19 about a family member of mine who trout fishes on Clover  
20 Creek, talks about the sinks that the trout depend on  
21 during the dry season. And the blasting that's going to  
22 take place within a mile of these sinks. And you know,  
23 what mitigation measures are there when that underground  
24 rock gets cracked and the water dries up in the sink? I

1 mean, what are you going to do?

2                   So you know, this is part of a trend in  
3 the state. And you know, we've had more than a decade of  
4 what I consider to be careless and risky fracking  
5 operations. We know that every fracked gas well in the  
6 state, on average, according to a report by Downstream  
7 Strategies uses five to six million gallons of water.  
8 And that's just in the Marcellus. The Utica shale is  
9 much deeper for laterals. There's one lateral that's  
10 been drilled that's 19,000 feet long. So fracking has  
11 already had a huge impact on our water. And this  
12 pipeline is just the next phase to get it out of this  
13 region as cheaply and quickly as possible, benefiting out  
14 of state companies. And you know, the DEP is just  
15 playing here Dominion, or maybe the next step will be to  
16 try to be its energy producer.

17                   So I guess I wanted to say that I've been  
18 good this year, too, so I might as well share my wish  
19 list for the DEP. As part of the permit conditions, I'd  
20 like to ask, even if the DEP does approve the stormwater  
21 permit, that the DEP not allow any clearing or  
22 construction on the pipeline route until all of the  
23 permits in Virginia and North Carolina are approved.

24                   North Carolina's Department of

1 Environmental Quality is questioning the need and the  
2 cost of this project. They're asking serious questions  
3 about who exactly is going to use this gas because we in  
4 North Carolina, the residents, we already have gas.

5           And we don't want a pipeline that's going  
6 to bring in more expensive gas because Dominion is just  
7 passing the bill onto the ratepayers of Virginia and  
8 North Carolina. And in the end, their gas is going to be  
9 more expensive, if they even get it, if it doesn't go to  
10 some international export. So I --- you know, just  
11 because West Virginia is at the head of the pipeline  
12 doesn't mean that we have to allow any construction here  
13 until North Carolina at least looks at the economic  
14 questions and approves its permits, too.

15           And I have one more really important  
16 comment. And that is the forest service has put together  
17 some special use permit conditions that are really  
18 rigorous. And there are high water quality control  
19 standards as part of the four services conditions. And I  
20 ask that the DEP, as part of my wish list, follow and  
21 have all of this same high four service standards,  
22 including equipment specifications for steep slopes,  
23 adjustments to stream buffers, installing 12-inch  
24 diameter compost filter socks. And we want to see those

1 site specific designs for steep slopes. Thank you and  
2 sorry if I went over.

3 CHAIR: Kimberly is up next. After  
4 Kimberly is J.T. Arbogast. After J.T. is Dawn Barrett.

5 MS. PITTS: Hello. My name is Kimberly  
6 Pitts. I'm from Cass, West Virginia. I've submitted  
7 comments online in writing, so I'm just going to speak  
8 today kind of from the heart. Pocahontas County is the  
9 birthplace of rivers. And it's the most extraordinary  
10 place I've ever been. I've never wanted to settle down  
11 anywhere else in the world. I've been around the world,  
12 and this is the place that I want to call home.

13 It's also one of the last corners of West  
14 Virginia that hasn't been utterly devastated by energy  
15 companies. And when energy companies come, what do they  
16 do in West Virginia? They come. They take our natural  
17 resources and then they leave. And they usually leave us  
18 pretty devastated. They leave us devastated  
19 environmentally. They leave our citizens devastated  
20 economically. And they leave us devastated in terms of  
21 our health because you can't drink water that's poisoned.

22 You can't breathe air that's poisoned.  
23 And that's what they do. They come in. They take what  
24 we have and then they leave.

1           They also lie about jobs. They tell us  
2 that they're going to bring jobs to us locally. They  
3 don't. They bring people in from elsewhere. You think  
4 they're going to hire people in Pocahontas County to do  
5 highly technical jobs? You've heard them talk about the  
6 difficulty of what's going to happen here. You think  
7 they're going to hire people without advanced training to  
8 do that? They're not going to hire local.

9           These energy companies also lie about  
10 safety. They tell us that this is safe. There are  
11 thousands of communities who have been utterly devastated  
12 by fracking, and by oil and gas transmission lines. You  
13 know what happens? They pay for a couple people to go  
14 down to Florida, people who have been poisoned. They pay  
15 them off and they send them away. And then when disaster  
16 does strike, they declare bankruptcy and run.

17           What company is going to come in and tell  
18 you that they're going to destroy you? They're going to  
19 come in and they're going to tell you that they're going  
20 to bring jobs. And they're going to tell you that it's  
21 going to be okay. The thing is they don't know because  
22 they've never done anything like this. And you think  
23 that the engineers know what to do in situations that  
24 they've never encountered? They don't. I believe the

1 engineers probably have our best interests at heart. The  
2 problem is is that they have no idea because no one's  
3 ever done anything like this.

4 I also was really deeply touched by the  
5 woman who spoke earlier, that woman right there. I was  
6 deeply touched by what you said. This is a hard place to  
7 live. You have to have grit to live here. You have to  
8 love it to live here. You do. And if they know that,  
9 that's what they're banking on. They're banking on that  
10 people here are desperate. And the problem is, is that  
11 these jobs are not going to be for our local boys. These  
12 jobs are going to be for people from Virginia, and North  
13 Carolina, and anywhere else in the country that that  
14 rebuild pipelines. They're going to bring them in and  
15 then they're going to leave. I feel you and I feel you  
16 deeply. But I'm here to tell you they're lying.

17 So here's the thing. West Virginia is  
18 always going to sacrifice their own. It's going to  
19 sacrifice them for this country. And we've been told  
20 that it's important because we're powering the country.  
21 The problem is, is that this gas is for China. This gas  
22 is going to be turned into plastic for China. That's  
23 what the plant that they're talking about making it is  
24 for. It's to make plastic for China. So you want to

1 talk about out water and how we can't live here without  
2 clean water? I'm all about economic development. I  
3 believe people need jobs and I believe that  
4 infrastructure has to be built. But it should be built  
5 for the people of West Virginia. That is not what this  
6 pipeline is for.

7           They talk about this bringing cheaper  
8 energy to you. This pipeline is going to cost over five  
9 billion dollars. And do you know who is going to pay for  
10 it? The ratepayers. We will pay for it. This is not  
11 going to bring us cheaper energy. You know what would  
12 bring us cheaper energy? Solar. Wind. They're both  
13 cheaper than natural gas now. Natural gas from this  
14 pipeline will be used to make plastic for China. The  
15 stormwater permit shouldn't be granted for a million  
16 environmental reasons, including the fact that, again, no  
17 one has ever attempted anything like this before. And  
18 there's frankly no way for Dominion to guarantee us that  
19 our water isn't going to be ruined by it.

20           But more importantly, DEP's reason for  
21 being is to protect us, is to protect our water, and our  
22 air, and our land. Because as West Virginians, that's  
23 what we have. That's what we have here in Pocahontas  
24 County. That's what we have. If we don't have clean

1 water, we can't live here.

2                   And if the DEP gives us consent for this  
3 project to move forward, it will not be because it's for  
4 public good. It will not be because we're being served.  
5 It will be because our elected officials are eager to  
6 sell our gas to China. The people of Pocahontas County  
7 are counting on the DEP to decide if they're interested  
8 in serving us, or are interested in serving the rich one  
9 percent who are here to take our resources and leave  
10 another county ruined. Thank you.

11                   CHAIR: J.T. Arbogast is next. After J.T.  
12 is Dawn, and after Dawn is Abraham Bezork.

13                   MR. ARBOGAST: Hi, everybody. My name is  
14 J.T. Arbogast. I'm from Cass. I brought a prop and I  
15 realize that clear liquid in a Mason jar would probably  
16 not necessarily mean what I wanted it to mean when I  
17 walked up here.

18                   But before I came down tonight, I stopped  
19 and scooped some water out of the Greenbrier because to  
20 me, we've heard a lot tonight about jobs. We've heard a  
21 lot about economic growth. We've heard a lot about the  
22 way this pipeline is going to help this community. But  
23 the point of this meeting, which we were told right at  
24 the very beginning was to talk about the stormwater

1 permit. And that comes down to this, because this is  
2 what we have. If we don't have this, all those jobs and  
3 all that economic growth doesn't mean anything because we  
4 won't be able to live here anymore.

5 I've spent a lifetime swimming in these  
6 rivers. I've spent a lifetime fishing these streams.  
7 And my neighbors have done the same for generations. And  
8 those generations have spent a lifetime drinking this  
9 water because it's what we have. So I don't have much  
10 else to say. I'm not going to get into too much,  
11 although I will point out that Mr. Pritt --- I don't know  
12 if he's still here --- bringing up the Rover Pipeline,  
13 that was an interesting point. If you want to go home  
14 and Google that, you should.

15 I would also say that somebody else said  
16 three years of review and more than any other pipeline  
17 project was amazing to this person. And yet, from my  
18 understanding, the permit is still incomplete. So three  
19 years is not that long to wait to ensure that this stays  
20 as clear as it is right now. I would just leave this for  
21 you guys as a reminder that that's what we're here for.  
22 And I hope that the DEP can take this with them and put  
23 this on their desk when they're making their final  
24 decisions, that they ensure that this stays as clear as

1 it is. Thank you, guys.

2 CHAIR: Dawn is next. After Dawn is  
3 Abraham. After Abraham is Jim Bullard.

4 MS. BARRETT: Water is life. I just want  
5 us all to think about that for a minute. We take it for  
6 granted in this country because we don't really pay a lot  
7 for it. But water is life. The people working in the  
8 water and waste management division at the DEP know this.  
9 Ostensibly, that's why they work there. The people of  
10 Pocahontas County know this. It's one of the reasons we  
11 live here. But the people who work for the DEP have the  
12 power now to protect our water.

13 My name is Dawn Baldwin Barrett. I'm a  
14 full-time resident of Pocahontas County at Brightside  
15 Acres, 300 acres of primarily managed timberland in the  
16 north end of the county near the Virginia line. I have a  
17 couple acres in organic vegetable and fruit production  
18 that I sell through a CSA subscription involving growers  
19 and buyers from every corner of the county's 942 square  
20 miles. The ACP will not directly impact my farm or my  
21 spring, but it will directly impact the farms and springs  
22 of dozens of my fellow growers, friends and customers.

23 Inevitably, it will impact the very nature  
24 of this place, which is the birthplace of eight rivers.

1 The extent to which the impact of the ACP on our waters  
2 is minimized is the extent to which the West Virginia DEP  
3 does its job. You, good people of the DEP, are our first  
4 line of defense. The pipeline developer will cut any  
5 corner where environmental protections are concerns in  
6 order to cut costs and speed the process. How do I know  
7 this? Because this is what pipeline developers do.  
8 There is a long history of this across this country.  
9 Absent strict permit requirements and state enforcement,  
10 this is what they get away with.

11 I believe in regulations. Regulations are  
12 protections. Regulations are not, as a general matter,  
13 written by folks on a mission to diminish American  
14 prosperity and kill jobs. They're just not. I have an  
15 unusual perspective in that I grew up in a mom and pop  
16 business that was the first in Tennessee to receive a  
17 permit as a chemical waste recycling facility under the  
18 brand new Resource Conservation Recovery Act passed in  
19 1976.

20 I then spent 20 years from the mid '80s to  
21 the mid 2000s as a safety and environmental consultant.  
22 I learned that safety and environmental regulations are,  
23 in fact, written and enforced by people driven by the  
24 belief that job creation is not a zero sum game in which

1 our environment and human health must always be  
2 sacrificed. Politicians tell us this. This is not true.  
3 The only economic development that is truly sustainable  
4 is that which truly protects human health and the  
5 environment from the get-go. I believe this. I've seen  
6 this. The question is do you, the wonderful people of  
7 the DEP? I hope you do.

8 I'm here to ask Austin Caperton and every  
9 member of the Division of Water and Waste Management to  
10 simply do your job. Require the pipeline developer to  
11 meet newer requirements for a stormwater permit. Don't  
12 give them a pass. Don't approve their permit application  
13 before it's complete. Pocahontas County is one big  
14 geologically sensitive area. You and you alone have the  
15 authority to require the developers plans for minimizing  
16 and mitigating impact to geologically sensitive and  
17 unstable areas before you approve their permit. Before.  
18 You have the power to require water monitoring at stream  
19 crossings. Please use your power. This land is your  
20 land. This land is your water. The DEP's motto is  
21 promoting a healthy environment. First step, enforce  
22 your own rules. Thank you.

23 CHAIR: Abraham is up next. Jim Bullard  
24 is up next. After Jim is Nikki. The last name begins

1 with an A. How do you pronounce that? And then after  
2 Nikki is Oliva Bias.

3 MR. BULLARD: My name is Jim Bullard. I  
4 live on Gordon Valley Road on Michael Mountain. We  
5 drilled four wells when we built and none of them  
6 produced water. We found a spring that has been serving  
7 our purposes for the last 20-plus years. It's never gone  
8 dry. It's been pristine water and it's what we rely on  
9 to remain here. The pipeline will change the habitat.  
10 There will be runoff. There will be problems. And this  
11 will threaten our water supply. When they cross Michael  
12 Mountain, there's a pristine stream right on the eastern  
13 end, on the southern slope that I'm very concerned about  
14 that the drilling, the blasting has a good possibility of  
15 damaging that spring. Our spring comes from a very deep  
16 source. Temperature is very low when it comes out of the  
17 ground. And my concern is that even blasting a mile or  
18 so away, there's a good chance that it could affect our  
19 water supply.

20 Dominion has had many fines because they  
21 get a permit, but they don't follow it. And I think  
22 they're a threat to our water supply and to the state or  
23 county in West Virginia. Thank you.

24 CHAIR: Nikki, you're up. After Nikki is

1 Olive Bias. After Olive is Michael Kline.

2 MS. ALIKAILOS: Hello everyone. Can you  
3 hear me? So yeah, I just want to be clear here because  
4 there seems to be a lot of muddying the water, so to  
5 speak. You guys always come to our town and you say  
6 jobs, jobs. We're going to bring lots of jobs. And  
7 because we all could use some jobs, we buy it.

8 The fact of the matter is that this  
9 pipeline is going to be less than 35 permit jobs to West  
10 Virginia. And the pipeline workers will mostly come from  
11 the outside. We'll get a little economic boost like, you  
12 know, giving a kid a lollipop, you know, that rots all  
13 their teeth later on. That's what your pipeline amounts  
14 to. A bad sweet that rots out people's teeth, rots out  
15 the ground from under them and each of us.

16 And it's funny that you can convince  
17 yourselves that it's safe. Although it is wholly  
18 unprecedented. Although your plans are incomplete.  
19 Although you're dealing with one of the most geologically  
20 sensitive places in the East Coast, you continue onward.  
21 I guess because you would get lots of money for it. That  
22 14 percent rate of return looks really good for a  
23 businessman. It's great. It's so great you can convince  
24 other people that they're going to make lots of money off

1 of it as well, even if, you know, they can't drink their  
2 water down the line.

3                   The fact of the matter is that this is a  
4 fracked gas pipeline. This fracked gas comes from Ohio,  
5 West Virginia. It produces devastated places that have  
6 parts of the roads falling in, people getting taken out  
7 on stretchers because they can't drink their own water.  
8 People that can light their tap water on fire. This is  
9 all real. We've all seen it. It actually happens.

10                   That's what this pipeline supports.  
11 That's what it perpetuates. That is what this  
12 infrastructure is going to create more of. But somehow  
13 you can still stand behind something that is wholly  
14 wrong, wholly detrimental to human beings and the  
15 environment they live in. Wholly detrimental to the only  
16 thing that is essential to life, which is water. Because  
17 really, you can't drink your money. No matter how much  
18 you make, you can't drink it. You can't drink your  
19 money. No.

20                   And I appreciate that there are pipeliners  
21 in this county. I appreciate it. I know that you're  
22 hard working. And I know that you've got a good job.  
23 And I'll tell you, there's 2.5 million miles of pipeline  
24 crossing through this country. So you've got plenty of

1 work. And they fail at a rate of about one a day.  
2 There's, you know, some spill, a blow-up fairly often.  
3 But we don't usually hear about it because that wouldn't  
4 be good for publicity, would it?

5           These areas that you're proposing to go  
6 through, I don't know if anyone has walked them or if  
7 anyone has been to them. There's a river, I think you  
8 said, that disappears underground for six miles. There's  
9 a cave about every 100 feet. Eight rivers start in this  
10 county. All water flows out of this county. This is the  
11 value of being here, is water. That is our value.

12           Your value is making lots of money off of  
13 a construction project which just the construction alone  
14 is hugely devastating to the environment and the people  
15 in it. I mean, it's a shame that you guys can't wake up  
16 and get a little bit of consciousness and stop lying to  
17 people. Stop telling us that this is going to bring us  
18 something good when it's not.

19           West Virginia has been basing extraction  
20 economy for its entire history, and that's what has  
21 landed us in this situation. We're sitting on a gold  
22 mine. You guys know it. You love it. And you're  
23 telling us we have nothing. But telling you, you have  
24 nothing. We have everything here. We have everything,

1 and that's going to be taken out from under us.

2 I suppose you would like to make us your  
3 42-inch limestone karst guinea pig. Since this hasn't  
4 been done before, I guess just try it on us. There's not  
5 that many of us. We don't have much of a voice. We  
6 don't have much money to push back on it. And we all  
7 need a good job.

8 So it's easy to run this through here.  
9 Once again, it's like taking candy from a baby. That's  
10 what you've done. You've gone one-by-one to landowners.  
11 And you've said, oh, it's no big deal. And then you come  
12 in there with your work boots, clean work boots, your  
13 Wrangler jeans, your Bahama fan, your fancy watch. And  
14 you sit down at people's kitchen tables and you say it's  
15 no big deal. Your water will be fine. You better sign  
16 now because that's the best deal. That's the best offer.  
17 It's offensive.

18 You need to get a conscience. You need to  
19 go a different direction with this. Everything is at  
20 risk here. This is a special place. This provides all  
21 the water that flows from here downwards to Mississippi.  
22 Everything else flows to the Atlantic. What we have here  
23 flows to the other side. It's not just us that'll be  
24 poisoned. It's many people after us. And this

1 infrastructure supports something that has proven to be  
2 detrimental to people and to the environment. But for  
3 some reason, you continue on despite the fact that there  
4 are other options. You're making money, so invest in  
5 something else. Invest in something that's good for  
6 people. Invest in something that makes the world a  
7 better place. Because it's not enough to just keep  
8 robbing people. It really, really isn't. Thank you.

9 CHAIR: Olive is next. After Olive is  
10 Michael Kline. After Michael is Sam Herold.

11 MS. BIAS: My name is Olive Bias. I've  
12 lived in West Virginia all my life. And I've got family  
13 in Virginia, too, that will be affected by this pipeline  
14 you lay down. Natural gas is not clean energy. That's  
15 blatant propaganda. And it's also not about independent  
16 energy when we're dealing with Dominion who has a  
17 complete monopoly over Virginia. So I just wanted to get  
18 that out of the way.

19 We're going to have to deal with the oil  
20 and gas industry being here; open evaporation pits for  
21 waste. Landfills of waste. There's going to be burials  
22 of waste. There's going to be mist sprayed for some of  
23 the evaporation pits. There's going to be land farm and  
24 bioremediation waste. There's going to be overburden and

1 soil relocation from blown out mountains. And we're  
2 going to have a lot of transportation of waste that we're  
3 going to have to worry about leaving the state and coming  
4 to the state. Suffocating sediment release from  
5 construction into waterways, the compressor stations in  
6 Lewis County, and Lewis County will be releasing methane.  
7 And there's a lot of federal regulations that are  
8 exempting oversight for many procedures, substances and  
9 chemicals that are used for oil and gas wells. All this  
10 toxic exposure.

11                   Parts of this pipeline are also going to  
12 be built on acidic soils, which is going to put the  
13 pipeline at risk of erosion. Or it's going to be built  
14 on soils that are prone to landslides. Speaking as a  
15 mixed blood, indigenous person here, I'm Eastern  
16 Cherokee. I also want acknowledgement of the Monaca  
17 nation, the Lumbee tribes, the Haliwa-Sapani, the  
18 Coharie,, the Meherrin nation, and eastern Cherokee that  
19 this pipeline is going to be effecting our ancestral  
20 lands. And most of these tribes have no FERC or Dominion  
21 consultation as they're not federally recognized.

22                   And that's the price we paid for genocide  
23 and colonialism. Extractive industries started when this  
24 country was colonized by people from Europe. They broke

1 the treaties to get the resources that are underneath the  
2 ground, and they're doing the same thing in West Virginia  
3 by marginalizing poor people to do it.

4           FERC, when they were considering NBP and  
5 ACP, discussed a merged system alternative as opposed to  
6 building these pipelines. So the Marcellus-Utica  
7 midstream conference, the 7th Annual Marcellus-Utica  
8 Midstream Conference and the Institute for Energy  
9 Economics and Financial Analysis have all discussed  
10 overbuilding of natural gas pipelines. And that the  
11 Marcellus-Utica shale is going to run out.

12           So overbuilding the pipelines is just  
13 exacerbating the inevitable laws of access to the shale  
14 that they're trying to get access to now. Pipeline  
15 safety and hazardous material administration from 2003 to  
16 2014 had 11,412 barrels of hazardous liquids alone that  
17 were recorded as polluting. But this is not including  
18 common occurrences like the Doddridge family that had  
19 crude oils that never even got reported or through  
20 industries where I'm from.

21           We're all still guinea pigs from chemicals  
22 that got spilled from the coal industry, that they don't  
23 have any environment --- they don't have any  
24 environmental or epidemiological testing done for human

1 beings for toxic exposure.

2                   Dominion G150 is a very --- I'd hoped to  
3 be a well-known explosion of a natural gas pipeline that  
4 polluted 12 waterways. And the Rover Pipeline, since  
5 that got brought up, that's dumped all kinds of drilling  
6 --- into wetlands in Ohio that also had diesel mixed in  
7 with it, which completely suffocated the wetlands over  
8 there.

9                   2017, Rezteck, Inc. did a case study for  
10 Appalachian mountain advocates of seep and non-seep  
11 ridgelines, which included total excavation, back-build  
12 volume, and excess soil volume from blowing up mountains.  
13 This is 10 to 60 feet or more of mountains that they're  
14 going to blow up throughout West Virginia and Virginia to  
15 lay down ACP.

16                   This is hundreds and thousands of soil  
17 from these mountains getting blown up. This is hundreds  
18 of thousands of cubic yards that they are considering.  
19 People want to call it mountain top removal because  
20 they're not blowing up the mountains to get to the coal  
21 seams. I don't know what else to call it. It is  
22 mountain top removal. You're blowing up ridge tops to  
23 lay down a pipeline. It's insanity.

24                   Access roads on slopes along the mountain,

1 along the ridgelines of the mountains are also putting  
2 trout streams at risk. The construction corridor on  
3 ridgelines in West Virginia could be 125 feet or more.  
4 And this is going to be built --- 15 percent slopes alone  
5 can be prone to landslides. And they're wanting to put  
6 down this pipeline that's listed as much steeper than  
7 that. Blowing up mountains also takes away natural water  
8 filtration systems. And it's going to completely  
9 redirect the groundwater in some areas. And we've  
10 already talked about the karst stream here that needs  
11 site-specific review, as well as other geologically  
12 sensitive areas that have not yet been finished getting  
13 reviewed. So why are we approving anything if they're  
14 not done? We shouldn't be helping Dominion do the job  
15 that they should be doing themselves in getting these  
16 site-specific tests done.

17 I also just want to say real quick, this  
18 involves the Monongahela National Forest Watershed, the  
19 Big Ridge, and George Washington National Forest, Potomac  
20 River, Shenandoah River, the Kanawha watershed, Seneca  
21 State water --- I mean, Seneca state forest, the  
22 Greenbrier River, Buchanan River, West Fork River, loss  
23 of shade for the trout, the Indiana bat, the long-eared  
24 bat, the brown bats that are all endangered, the

1 endangered salamanders, clubshell and snuffbox mussels  
2 are also endangered, running buffalo clover, pogonias.  
3 All of this is at risk for putting these pipelines down.

4           CHAIR: Again, I ask everybody not to try  
5 to interrupt the speakers. Please be respectful of the  
6 speakers when they're up here. Up next, Michael Kline.  
7 After Michael is Sam Herold. And after Sam is Charles  
8 Sheets.

9           MR. KLINE: My name is Michael Kline. I  
10 live at 320 Summers Street in Elkins, West Virginia. And  
11 you can look up on our ridge top and see the windmills.  
12 They turn --- when there's a stiff breeze blowing, they  
13 turn a little bit. But we know that that operation isn't  
14 for us either. What's being generated there is going to  
15 Virginia. It's not for us. Dominion takes a lot of our  
16 resource rich country down through here. But they don't  
17 think enough of us to establish their corporate  
18 headquarters here.

19           None of the industries that have raped us  
20 and stolen our resources over the past century and a half  
21 have their corporate headquarters here. All these  
22 programs and projects are initiated by people who live in  
23 other places. I don't think in West Virginia here we  
24 really fully realized until studies in the late '70s and

1 through the '80s revealed that 80 percent of the natural  
2 wealth of this state is owned by people who don't live  
3 here.

4 I have a love affair over the past several  
5 decades with the Hammonds family, very old-time singers.  
6 I'm an old-time singer myself. I'm a folklorist and an  
7 oral historian. I have been interviewing people in  
8 Doddridge County and many other sites where natural gas  
9 development is taking its toll. The harm that it's doing  
10 is deep, deep on them.

11 There are studies that show a relationship  
12 between natural gas development and the opioid epidemic  
13 that's sweeping our state today. It's nice to know we're  
14 number one in something, isn't it? Opioid addiction.  
15 Yeah, we're number one in opioid addiction. And there  
16 are studies that link that to the fact that all of our  
17 natural wealth is being developed by people from other  
18 places, and it's not for us. It's not for us.

19 But I've always regarded Pocahontas County  
20 as the mother of rivers, as being especially sacred, an  
21 especially sacred place in West Virginia. I've never  
22 lived in this county, but I have ventured down here and  
23 have a lot of friendships. And I have played a lot of  
24 music, old-time music around. Oh, excuse me. I have to

1 talk about water. I'm not supposed to talk about music.  
2 I know that. But I just want to tell you where my heart  
3 is.

4                   And we're facing terrible threats, I  
5 think, even in the city of Elkins. When I get home, I'm  
6 going to go to work on our city council and try to get  
7 them to close our county to any kind of pipelining and  
8 any kind of fracking. I know they won't do it right off,  
9 but many other small towns have done that, declared a  
10 moratorium on this kind of development. They say, oh,  
11 you can't do that until we know what the state is going  
12 to do, until we know what the DEP is going to do.

13                   Well, I still feel like in West Virginia,  
14 we are decent autonomous people living in decent,  
15 autonomous communities that are having visited upon us by  
16 outsiders who know nothing about us and our --- what's  
17 important to us, are visiting upon us this whole project  
18 which is indecent, which has indecent results, which  
19 sickens our children, our families. If you want ---  
20 people have spoken so eloquently here tonight.  
21 Everything I wanted to say has already been said. But I  
22 think in a nutshell, if you want to know what we're  
23 facing in the future, all you need to do is look at the  
24 past.

1           We've been raked over for 150 years by a  
2 coal industry that has left us broke, busted and no place  
3 to go, no place to turn. West Virginia, since 2016, in  
4 the past year and a half, has lost 10,000 people. I just  
5 read it.

6           And my departing thought is that we live  
7 in an age now, sadly for the past 11, since 11 months  
8 ago, we're living in an age of deregulation.  
9 Deregulation. I just heard on national or West Virginia  
10 public radio this morning that they're going to  
11 deregulate the levels of coal dust available in mines  
12 now. Have we all drunk the Kool-Aid? Can't we appeal to  
13 decency? Can't we appeal to autonomy? And can't we  
14 determine our own destinies? We know how to mine coal.  
15 We know how to do all these things ourselves. Why do we  
16 need somebody like Dominion? Thank you.

17           CHAIR: Sam Herold up next. After Sam is  
18 Charles Sheets. After Charles is Kelly --- last name is  
19 Kelly. Address in Cass.

20           MR. HEROLD: Hello. My name is Sam  
21 Herold. I live in Knapp's Creek, about three miles south  
22 of the proposed route of this monstrosity.

23           Dear West Virginia Department of  
24 Environmental Protection, please hear and take to heart

1 the concerns we have over the construction of the  
2 Atlantic Coast pipeline. We are the birthplace of  
3 rivers. Our pristine creeks and rivers, clean water and  
4 steep, rocky terrain is no place to allow the oil and gas  
5 industry to construct this unneeded monstrosity of a  
6 pipeline. This is corporate greed, not public need. If  
7 the construction of the pipeline doesn't ruin us, the  
8 fracking that comes later certainly will.

9                   Specifically, I'm worried about the  
10 proposed route over Michael Mountain. It's steep and  
11 rocky. Like much of the terrain of Pocahontas County  
12 along the proposed route, stormwater and sediment control  
13 is of huge concern, not only during construction, but  
14 from then on. The massive rainfall events we've seen in  
15 Pocahontas County in just recent years have caused major  
16 destruction. Insert excavated steep slopes with no  
17 vegetation to absorb and slow water, and that will lead  
18 to serious runoff and sedimentation issues.

19                   Also, specifically, I'm concerned about  
20 the proposed crossing of the Greenbrier River. It's  
21 still unclear how the ACP plans to safely secure a  
22 42-inch pipe under the raging water of the Greenbrier  
23 River at flow stage. And that's just regular flow stage,  
24 not to mention a 100-year flood, not to mention a 500-

1 year flood. Not to mention the threat of rocks, logs,  
2 and debris building up against it potentially dislodging  
3 or puncturing the pipeline. A scalar analysis has yet to  
4 be one on Greenbrier River. A first study has yet to be  
5 done for Pocahontas County. How is that?

6 I'm concerned about public knowledge of  
7 this proposed project. It's frightening to think many  
8 people in this county are only hearing their facts from  
9 the Pocahontas Times. The Times has fed readers  
10 one-sided reporting on this issue from day one, seeming  
11 to be in the pocket of Dominion. Shame on you,  
12 Pocahontas Times. Calvin Price is rolling over in his  
13 grave.

14 So everyone, please get educated and  
15 informed on the facts, the loose ends, and the unanswered  
16 questions before you make up your mind that this is a  
17 good idea. This fight is not over. I think there's a  
18 lot of things people don't know about. People should  
19 know about the destruction of Seneca State Forest. The  
20 trade has been done behind closed doors where the Boy  
21 Scouts of America are selling land to Dominion, to then  
22 be given to Seneca as an offset. This land was  
23 originally donated to the Boy Scouts by Pocahontas County  
24 residents. Unacceptable. This is public land.

1                   Once this destruction is done, no  
2 mitigation or all the money in the world can fix the  
3 permanent damage. We don't have to construct this  
4 pipeline. We don't have to extract these gas molecules  
5 from our earth. Leave it in the ground. We should be  
6 talking about alternative energies such as wind and  
7 solar, not furthering our addiction to fossil fuels.  
8 Thank you.

9                   CHAIR: Charles Sheets up next. After  
10 Charles, Mr. Kelly. After Mr. Kelly is Hallie Herold.

11                   MR. SHEETS: Well, thank you, DEP for  
12 allowing such a wide-ranging subject to talk about  
13 tonight. And I thought we were only going to talk about  
14 the stormwater permit. But since they've allowed a  
15 little bit of latitude here, I would like to say a couple  
16 things.

17                   I know that --- we understand Pocahontas  
18 County, there's not enough jobs. Temporary jobs, yes.  
19 But it's not going to be jobs. I think what we should  
20 realize that in Pocahontas County --- I went down to the  
21 county clerk's office about a month and a half ago. And  
22 quite a few people in this county have received about  
23 1.78 million dollars in right-of-way payments. And in  
24 2022, when this pipeline is built, Pocahontas County will

1 get approximately \$1.6 million just in tax revenue.  
2 You've heard a lot of stories tonight of how poor this  
3 county is and the help it needs. This county high school  
4 here needs all the help they can get from tax revenues.

5           One other thing I would like to say, since  
6 you allowed a little bit of latitude here, I would like  
7 Dominion to consider when it crosses Route 28 up here,  
8 about two miles from this high school, they make  
9 revisions to tap into that line so this high school can  
10 have gas down the road. Because electricity costs, we  
11 don't know what they're going to be. But one thing to  
12 consider is gas going to that line is inflation, and  
13 there will be additional revenues from Pocahontas County  
14 here as well.

15           And I thank all the speakers tonight who  
16 have been here. I thank the DEP for giving such a wide  
17 range of latitude of speakers. And I just go ahead and  
18 urge the regulatory authorities to issue the permit as  
19 stormwater permit expeditiously as possible to us because  
20 it's just costing everybody money. Thank you.

21           CHAIR: Mr. Kelly is up. After Mr. Kelly  
22 is Hallie Herold. After Hallie is Carrie Kline.

23           MR. KELLY: Good evening, ladies and  
24 gentlemen. My name is Fairleth Kelly. I'll be short and

1 brief. You can't trust the West Virginia Department of  
2 Environmental Protection to protect the citizens of the  
3 state of West Virginia. There's numerous examples of  
4 that in our state. I could go on and on throughout the  
5 state of people I know who told me things I've  
6 documented. But we need to look at this from a wide  
7 perspective. I understand from somebody in Washington,  
8 D.C. that Dominion is planning on selling its gas to  
9 Holland who --- the Dutch government is very corrupt.  
10 They cooperated with the Nazis in World War II. But  
11 that's not relevant to this. But they've also made plans  
12 to other countries. I understand Spain would get the  
13 gas, too. So the full understanding, that's a real part  
14 of investigating the land.

15                   But anyway, we need to make sure that this  
16 pipeline, which I'm not in favor of being built because  
17 we don't need it. In England, the people live at 36  
18 degrees and they're fine in winter. And Americans are a  
19 spoiled bunch of people. That's all I'll say. We don't  
20 need all this energy. We don't have the domain for it.  
21 Why would they be shipping it to Europe? Thank you.  
22 Good day.

23                   CHAIR: Hallie Herold up next. After  
24 Hallie is Carrie Kline. After Carrie is Allen Johnson.

1                   MS. HEROLD: Hi. I'm Hallie Herold. I  
2 have a piece of paper. I'm from Knapp's Creek, and I  
3 swore that I was going to talk about stormwater, and I  
4 don't think that's going to happen, DEP. I'm sorry.

5                   I'm going to tell a story. I took a  
6 course at WVU a couple of years ago. It was West  
7 Virginia natural resources. And on the first day, it was  
8 a decent sized lecture, probably 100, 150 people the  
9 first day I went in and sat down. The professor said  
10 where's my Pocahontas County person? I was at my desk.  
11 I looked around. Nobody else raised their hand, so I  
12 raised my hand. And he said what's Pocahontas County  
13 known for? I said I know this. Okay. I said we're the  
14 birthplace of rivers. He said you're right. And  
15 everybody there knows that. I've never had a student  
16 come in here that couldn't tell me that. It's something  
17 that we're very proud of. It's something that defines  
18 us. It's our identity.

19                   So then it was a few years ago when I  
20 first heard about the first proposed route the state  
21 first denied and then got us to where we are now. I  
22 thought it was laughable. You're going to go put a  
23 pipeline in Pocahontas County, the birthplace of rivers?  
24 You know, pollute clean water? That's just absurd. But

1 you know, here we are standing in an auditorium trying to  
2 fight against it.

3 I just wanted to talk about a couple of  
4 things that I heard people mention --- I have a few  
5 words. Energy independence, I don't really understand  
6 how we have this mindset that it's energy independence  
7 when this is going to be shipped overseas and it's going  
8 to fuel foreign countries. And also, the jobs thing  
9 where you say it's going to be jobs for us and jobs for  
10 our kids. But, you know, people who are here who are in  
11 the industry certainly know that it's an industry with an  
12 expiration date. There is a limited supply of natural  
13 gas. And they've given it 30 years at the rate that  
14 we're going right now. Twenty (20) years at the rate  
15 that they want to go.

16 So if this pipeline goes through and  
17 ushers in fracking behind it, and they just really tear  
18 us up, you know, that's not very long. That doesn't  
19 provide sustainable jobs because that's hopefully within  
20 my lifetime. If I have children, will they have jobs in  
21 this industry? No. Do I want them to? No. But it's  
22 just laughable to me that we are so willing to lay down  
23 and sacrifice what's special about this place for an  
24 industry that is going to make a few people far away

1 very, very rich and leave us potentially devastated.

2 I don't know if you've had a look at our  
3 tourism industry lately, but it is flourishing. People  
4 come here. They come here for our rivers. For our  
5 mountains. For the beauty. And I just don't see why  
6 people would come back if we have sullied streams and  
7 blasted off mountaintops and scarred landscape forever.

8 I also wanted to comment on the tax  
9 revenue thing. I believe that it's in the contract of  
10 the tax revenue that what Pocahontas County will receive  
11 will decrease over time. So as far as that boom coming  
12 later, I wouldn't count on that. I don't know. I think  
13 I'm good. DEP, please deny the stormwater permit. Thank  
14 you.

15 CHAIR: Carrie Kline up next. After Carrie  
16 is Allen Johnson. After Allen is Maury Johnson.

17 MS. KLINE: Thanks, DEP, for being here.  
18 And it's good to see that we all care. And it's sad to  
19 see that we're divided because I think we all want the  
20 same things. I think we all want a safe place. We want  
21 a good chance for our children, for ourselves. We want  
22 water to drink. We live here because it's home. Some of  
23 us, many of us love to be in the water. I do. A lot of  
24 people like to fish. A lot of people like to hunt. And

1 I'm not a scientist, so I can't talk about water as  
2 beautifully as you did opening things up.

3           And stormwater permits, it's awkward to  
4 talk about that when the DEP did waive its right to  
5 really look at this. And the DEP is so under-funded. If  
6 you did everything you could do, you would not be able to  
7 monitor this. There are a couple of brave people working  
8 for the DEP. Dennis Stottlemeyer is here tonight. I hope  
9 I'm saying your name right. Okay. And John King was at  
10 the Upshur County hearing. And we live in Elkins. And  
11 we've come to both and we'll keep coming. And I think  
12 the call is that because the DEP is understaffed, you  
13 take pictures, you monitor and you send them to them.  
14 And that's not enough. But that's what we do need to do.

15           I make my living in several ways. And I think  
16 a lot of us do here because it is hard to make it here.  
17 One is working with a tape recorder recording people's  
18 life stories. And we have recorded people who drive  
19 frack trucks and have gotten burned severely. And  
20 they're severely sick. And we've reported  
21 microbiologists and people who have lived around fracking  
22 and are very, very sick from the air. And the same  
23 around compressor stations, very ill.

24           And fortunately or unfortunately, there's

1 a new article out, a new scientific study. If you're a  
2 scientist, you can look up the study. If you're not a  
3 scientist, you can look at the Atlantic Monthly. It just  
4 came out recently. And it says that infants in large  
5 numbers are being harmed if they live near fracking. And  
6 I know we're here to talk about a pipeline. But we could  
7 look at this pipeline as a huge storage vessel until the  
8 market raises. And it could be money for us to frack  
9 more. And as soon as there is a pipeline, we will be  
10 fracking more.

11 Another piece of my living is in the  
12 tourism industry. I get on those motor coaches and I  
13 tell people where they are. And I play oral histories.  
14 I play Jessie Brown Beard Powell talking about being born  
15 in the west bedroom over in Bartow, in the downstairs  
16 west bedroom. She lived to be almost 100. And her  
17 grandmother was in the Civil War.

18 And tourists want to know. They want to  
19 know. They want to understand what this place is.  
20 They're not going to come if they can't get through. If  
21 you try to make a left turn onto the main drag in Elkins  
22 now, you get these big trucks, more big trucks. They're  
23 already the main truck route. People are going to stop  
24 coming. And that's big. And tourism is a huge industry

1 in West Virginia.

2 West Virginia, as someone said before, and  
3 so much of Appalachia is officially by the Department of  
4 Energy called a national sacrifice zone for affordable  
5 energy. We're not choosing to be that. And we don't  
6 have to be that. We can be a renewable energy state. We  
7 already have Seneca. Why are we buying our solar panels  
8 from China? If you look at innovative groups like the  
9 Coalfield Development Corporation downstate in  
10 Huntington, Solar Holler, training coal miners to work in  
11 renewables. We can do a lot more of that. That's a  
12 booming industry. If it's not booming the way you want  
13 it to be, it's because our government hasn't put  
14 resources into that. But we can. And we can do a lot  
15 more with tourism with younger people and different  
16 people. We can use that karst. Karst, it's like Swiss-  
17 cheese rock that's got holes. It's not good for  
18 pipelines. I don't think anywhere is good for pipelines.  
19 But karst is good for people who like to cave. People  
20 come from all around the world for these caves, for this  
21 rock climbing, for these opportunities.

22 And thank you for having such a nice bell.  
23 It could be a really obnoxious one. And it's gentle and  
24 I appreciate that. Thank you.

1                    CHAIR: Allen Johnson up next. After  
2 Allen is Maury Johnson. And Maury Johnson is the last  
3 person who has signed up to speak. So if you do want to  
4 speak, you can go after Maury Johnson.

5                    MR. ALLEN JOHNSON: Thank you, DEP. My  
6 name is Allen Johnson. I'm going to start off first by  
7 saying three decades ago I worked for Dominion for about  
8 five years. My wife and I live near Frost, West  
9 Virginia, about 600 yards from the proposed pipeline  
10 across Route 92. And it kind of arcs back into the  
11 national forest. And so we actually maintain that  
12 distance for quite a while. Actually, my favorite hiking  
13 trail kind of proposes along it in the national forest.

14                    We moved here and built our home 40 years  
15 ago because this is a beautiful area with wonderful  
16 scenery, and the ecosystem, pure water. And a neighborly  
17 rural lifestyle and people. That really attracted us and  
18 kept us here. We hope we've contributed to our community  
19 in some ways. We worked in different jobs, raised four  
20 sons successfully.

21                    And our county, the remarkable and unique,  
22 almost unique in the east about the attributes we have,  
23 the scenery, the ecology, the wonderful water. It's  
24 scarce. It's rare. That's what we have. That's what we

1 construct ourselves on. We lose that, we're mud  
2 literally.

3 I'll be submitting detailed comments,  
4 written comments with maps for the DEP on the stormwater  
5 permits. So during my time, I wanted to touch really on  
6 the point. The FERC document impact statement points out  
7 that 73 percent of the ACP route in West Virginia, quote,  
8 cross areas with a high incidence of and a high  
9 susceptibility to landslides. And which ACP has not  
10 determined how to satisfactorily construct. Eighteen  
11 (18) percent of the five-mile route through the  
12 Monongahela National Forest would be on slide slopes,  
13 quote, are susceptible to natural landslides. And thus,  
14 the potential for project-induced landslides, slope  
15 failures, is high.

16 Further on we read, quote, small fields  
17 and steep slopes can produce catastrophic debris flows.  
18 During a rainstorm when they build slopes, monster slides  
19 downhill and it multiplies the debris flow. The debris  
20 flow has a snowball effect that increases the debris flow  
21 by and destructing power. It's a gouging, scraping off  
22 and incorporating bedrock, trees, stream banks. I'll  
23 point out that the heavy rain floods that we had in June  
24 of 2016, and then a couple months later in my area, Frost

1 area, an eight-inch rainfall in the section of the ACP  
2 routed section. Both heavy rainfalls flooded sections of  
3 Route 92 that's over the road by the ACP route. And a  
4 walk up Bird Run near Route 84 visibly shows a massive  
5 debris washed out from flow. You can go see it yourself.  
6 Its steep slopes extend from soils and high potential of  
7 rain deluge for serious degradation of our fragile lands  
8 and streams.

9 I would like to request DEP full  
10 cooperation of citizen monitoring at the scene is  
11 constructed. Other comments I will put in writing  
12 concerning that it's on a karst laden stream, and the  
13 need for dye testing, and well testing prior to  
14 construction in April by the applicant. These well  
15 testings cost at least \$700 apiece.

16 Also, I have some other things. I want to  
17 --- then I'm bothered by the potential --- I'm deeply  
18 bothered by the potential for environmental pollution.  
19 But I'm also very bothered by the pollution of our  
20 government. And I'm going to say this. The pollution of  
21 our democracy was evident in the waiver of the 401 Water  
22 Certification by DEP Ed Austin Caperton. The comments  
23 that were made here at the hearing here on August 1st,  
24 elsewhere and in written form are, might as well say,

1 throw them in the trashcan and throw them out as refuse.  
2 It shows disrespect, even contempt, for our citizenry.  
3 And this is outrageous. This leads to a valid hypothesis  
4 that Dominion wants the permits greased to go as fast and  
5 easily as possible.

6 DEP is not the only culprit. Other state  
7 agencies have been closed now about the fine knowledge of  
8 proposed ACP route through Seneca State Forest, let alone  
9 many other miles of access road. Secret behind the doors  
10 negotiations without public input from we, the citizens,  
11 who own --- we own that forest. And obviously mistrust  
12 of government agencies to transparently care for our  
13 lands. The Boy Scouts of America secretly sold 1,200  
14 acres for land innovations far off the Allegheny Trail to  
15 the conservation fund. My time is about up. Okay. Give  
16 me about 30 seconds.

17 I'm just going to conclude that --- and I  
18 want to also just point out in our legislature  
19 delegations have not met with us when we asked for that,  
20 the people who want to talk in our county, citizens. So  
21 I'll say that, too. And basically, in conclusion, the  
22 one side --- we have two sides. One side values the  
23 pipeline for dollars. The other's position opposes the  
24 pipeline for love of land and community. The person

1 whose birthday we will celebrate this Monday said what is  
2 the profit to gain hold or to lose one's soul. Thank you  
3 for taking comments.

4 CHAIR: Up next, Maury Johnson. After  
5 Maury, we're going to come over here. And then after you  
6 --- yeah, after this gentleman right here.

7 MR. MAURY JOHNSON: First off, thank you.  
8 I'm not related to Allen. I'm actually from Monroe  
9 County. Now, you may say what the heck is this guy from  
10 Monroe County doing up here in Pocahontas County? I live  
11 near NVP, a pipeline crosses my farm. It's a very  
12 similar pipeline to the ACP. I live not too far from the  
13 Greenbrier River crossing in Summers County that brings  
14 into the ACP here in Greenbrier. For those who've been  
15 doing some hiking, you go up through there, I know some  
16 really fine folks here in Pocahontas County. And I've  
17 spent some time up here.

18 Pocahontas County is pristine, much like,  
19 even more than Monroe County. You have a unique, very  
20 unique place here. Now, we talked about water. We  
21 talked about jobs and all this other stuff I've heard.  
22 We've got to talk about water. This is what this is  
23 about. Are we going to give up our clean water in this  
24 state to an industry or anybody who wants to come along,

1 or are we going to protect it? If we don't protect it,  
2 just like Allen says, you might as well say that we have  
3 nothing. My son next Wednesday is leaving the state of  
4 West Virginia and moving to Seattle, Washington because  
5 of this pipeline. Will not come back to the farm because  
6 of this pipeline where he wants to live. My daughter has  
7 already moved. She's out there. Probably will never  
8 come home. If we don't protect this, why are we pushing  
9 to lose so many people? A lot of it is because we're  
10 running them out.

11 Now, you talked about river pipelines,  
12 good ones. If that's the kind we're going to expect, you  
13 might as well pack your bags and leave now. And finally,  
14 I will say two more things real quick. We had a small  
15 pipeline that went through Monroe County. affected the  
16 water for one-third of our county. The Public Service  
17 District has never had contamination in their 80 year  
18 history. And eight months after the multi-violation of  
19 the forest area, we had to truck water from Virginia.  
20 That Public Service District still has problems. Never  
21 been a problem for 80 years. They're on the verge of  
22 losing that system. It's our water, people. We have to  
23 protect water. If you think we should stand up for clean  
24 water, see me after this because I've got a little

1 petition that I've got going on. And I'd like for people  
2 to sign it because we need to stand up for clean water in  
3 West Virginia.

4 CHAIR: If you would state your name for  
5 the Court Reporter. Thank you.

6 MR. TANKA: My name is Mato Tanka. It  
7 means Big Bear in Lakota. I met my better half while  
8 fighting for water up in North Dakota. And I understand  
9 what the lady said about jobs, wanting to have jobs. I  
10 live in a place, where I come from, there's 85 percent of  
11 the people are unemployed. So I want better jobs. And  
12 when I seen what they were doing to the land saying, oh,  
13 we're going to protect it. We're going to keep it safe  
14 for you to keep using it. It's not true. Letting them  
15 go through the water like this, they're going to say  
16 everything they can. But when you're not looking,  
17 they're going to do these things. They're not going to  
18 bring you jobs. If they are, they're part-time jobs,  
19 short, temporary jobs. And I feel for you. We all need  
20 something, you know, to be proud of.

21 My people are proud of ourselves, and what  
22 I've noticed about people from the Appalachian area, you  
23 guys are proud of your heritage, where you come from,  
24 where you're going, what you're going to need for the

1 future for your children. But you've got to think if  
2 letting this go through, is that worth selling your  
3 heritage out for a few dollars? Is it worth selling your  
4 family down the river so they have to move because the  
5 water's contaminated? Don't let them do this to you.  
6 They crammed it down our throat up there at the Dakota  
7 Access pipeline. And months later, they said. oh, it's  
8 just some small leak we had, 250 million barrels leaked  
9 out, out of this state-of-the-art pipeline. And it's not  
10 going to happen? You know, nothing manmade lasts  
11 forever. And this is a manmade pipe.

12                   These people at Demon --- Dominion don't  
13 care about you. If they do, why doesn't the CEO sign the  
14 paper in his name saying, yeah, if something happens, I  
15 would take care of it? The one that makes all the money,  
16 make him take care of it. Make him sign his name to it,  
17 not his company. The Board of Directors, make them  
18 responsible for everything that's going to happen instead  
19 of saying, oh, if the water contaminates, we're going  
20 into bankruptcy. So you know, you're on your own.  
21 That's what they're going to do. Don't let them do that  
22 to you. If DEP will make the CEO and the Board of  
23 Directors sign that paperwork in their name, maybe they  
24 might try a little bit harder. But I wouldn't hold my

1 breath. Well, my talk is over.

2 MS. PEULECHE: Tolly Peuleche. I did sign  
3 up to speak actually somewhere. It's P-E-U-L-E-C-H-E. I  
4 have a big written letter, but I just want to go back to  
5 water quality, stormwater management. What I look at  
6 every day across the road from me is the Elk Mountain. I  
7 live on the Elk River. I sit here and type out this  
8 letter, and I'm looking at the Elk Mountain where the ACP  
9 is going to run right over the top of it.

10 There is no stinking way that there isn't  
11 going to be some kind of impact. I wish it were true.  
12 The gentleman who spoke very well, Mr. Lewis, about all  
13 this karst research, I hope he's up there on Elk  
14 Mountain. I hope he's up there looking at every little  
15 hole that's up there because there's plenty of them.

16 So you know, I'm not in the blast zone.  
17 I'm not really even a little more than a mile away. But  
18 I've got a well that I'm relying on because I grow  
19 vegetables and I need that well. And I need it to be  
20 clean water. And I've gone to all the trouble to get  
21 this test done so I have a baseline. So I know I have  
22 good water now. And I hope to god I still have it in two  
23 years, but I seriously doubt it if this goes through like  
24 it's going to.

1 I've got a history of seeing what DEP  
2 should be doing and could be doing if they were  
3 adequately funded. I mean, I'm surrounded by timber  
4 projects. The first phase of this project is going to be  
5 timbering, and it's going to be a lot of timbering. I  
6 mean, I see mud in the road every day. I don't see stone  
7 aprons to keep the mud from coming out. What am I going  
8 to do, call DEP and say there's mud in my road? It's  
9 really slick when it rains. I don't think so.

10 I'm going to say, gee, there's a place  
11 where water wells up right in the middle of the Elk  
12 River. And sometimes when there's a timbering job going  
13 on, who knows where, a couple miles away, it wells up  
14 right there in clear water as mud. So you can't ---  
15 nobody can check all of those parks and find out from dye  
16 testing and so on where it all goes. You just can't be  
17 that thorough. I would love to see that guy on my  
18 property, too. We've got caves everywhere.

19 Anyway, I just want to read one little  
20 thing. But maybe I can just talk about it. I'll be  
21 better off just talking about it. Okay. So last year we  
22 had a big flood. And there's a road, a haul road, that  
23 goes up Elk Mountain. And that haul road ended up out in  
24 the middle of Dry Branch Road because it was stormwater

1 that nobody but God could manage. It was intense. And,  
2 you know, they closed the road. They took half the  
3 pavement up and put it in the front yard of part of my  
4 land. And you just --- you have no idea the power of  
5 this water on these steep slopes. I don't care how good  
6 an engineer you are. This isn't --- you can't make it  
7 foolproof.

8                   So what I really hope is that DEP will  
9 have a hotline and publicize it, so that we can call when  
10 these things happen, as I fear inevitably they will. And  
11 that's the main points I wanted to get across. But you  
12 know, stormwater management, great. But I just don't see  
13 it. I don't see it working. I don't see you have enough  
14 people to monitor it adequately. And I plan on sending  
15 you lots of photographs, lots of samples of dirty water.

16 So let's hope I don't have to. Thank you very much.

17                   MR. BERNIER: My name is Doug Bernier.  
18 I've been living in Pocahontas County for 37 years. I'd  
19 like to start my comments with the following statement.  
20 We feel very comfortable that this pipeline can be  
21 installed in an environmentally sound manner and that the  
22 environmental impacts ultimately will be zero. Let me  
23 read that again. We feel very comfortable that this  
24 pipeline can be installed in an environmentally sound

1 manner. And that the environmental impacts ultimately  
2 will be zero. That's a quote from Austin Caperton, the  
3 head of the West Virginia DEP, which I'm beginning to  
4 think stands for West Virginia Department of Economic  
5 Promotion.

6 I stand here incredulous that Mr. Caperton  
7 could believe that. If he does, then his grasp of  
8 reality is very shaky. Under Mr. Caperton, the DEP  
9 failed to make use of its rightful authority over our  
10 state's waters by throwing in the towel on 401 water  
11 quality permit. Does Mr. Caperton plan to do the same on  
12 this 404 issue? This is a clear dereliction of duty.  
13 And if Mr. Caperton does not voluntarily resign from his  
14 position as the head of the DEP, then Governor Justice  
15 should require that he do so. Thank you.

16 CHAIR: Is there anyone else who wishes to  
17 speak tonight?

18 MR. KLINE: I'd like to sing (sings song).

19 CHAIR: This concludes the public hearing  
20 on Construction Stormwater Permit for the Atlantic Coast  
21 Pipeline. The permit number is WVR310820. The comment  
22 period ends on December 31st, 2017.

23 If you wish to receive a copy of the  
24 comments and responses, please make sure the email

1 address is on the sign-in sheet. Thank you for your  
2 participation. And have a safe trip home.

3 \* \* \* \* \*

4 HEARING CONCLUDED AT 8:03 P.M.

5 \* \* \* \* \*

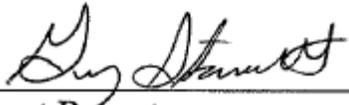
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CERTIFICATE

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