

STATE OF WEST VIRGINIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *

IN RE: MOUNTAINEER GAS COMPANY
EASTERN PANHANDLE EXPANSION PROJECT

* * * * *

BEFORE: JACOB GLANCE, Chair
JOSEPH COCHRAN, Environmental Resource
Specialist
JOHN MICHAEL BOSLEY, Supervisor

HEARING: Tuesday, January 9, 2018, 6:04 p.m.

LOCATION: Berkeley Springs High School
149 Concord Avenue
Berkeley Springs, WV 25411

WITNESSES: Mike Law, John Webster, Cam Trowbridge, Frank
Rodgers, Leonard Barron, Abigail Benjamin, Ann Bristow,
Alice Wilson, Laura Steepleton, Patricia Kesecker,
Christiane Graham, Brent Walls, Brooke Harper, Charles
March, Meaghan Thompson, Susan Taylor-Dropp, Brady
Worth, John Qua, Kathleen Brophy, Tracy Cannon

Reporter: Guy Starrett

Any reproduction of this transcript is prohibited
without authorization by the certifying agency

1 WITNESSES (cont.): Russel Mokhiber, Osha Baxter-Worth,
2 Lynn Yellott, April Keating, Kevin Campbell, Matthew
3 Hahn, Sandra Waggoner, John Christensen, Dawn White, Tom
4 Langan, Lindsay Pack, Jill Clark-Gollub

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1		I N D E X	
2	OPENING REMARKS		
3	By Chair		6 - 8
4	TESTIMONY		
5	By Mr. Law		8 - 10
6	By Mr. Webster		10 - 11
7	By Mr. Trowbridge		12 - 14
8	By Mr. Rodgers		14 - 15
9	By Mr. Barron		16
10	By Ms. Benjamin		16 - 19
11	By Ms. Bristow		19 - 22
12	By Ms. Wilson		22 - 24
13	By Ms. Steepleton		24 - 27
14	By Ms. Kesecker		27 - 30
15	By Ms. Graham		30 - 33
16	By Mr. Walls		33 - 36
17	By Ms. Harper		36 - 39
18	By Mr. March		39 - 40
19	By Ms. Thompson		40 - 42
20	By Ms. Taylor-Dropp		42 - 44
21	By Mr. Worth		45 - 46
22	By Mr. Qua		46 - 48
23	By Ms. Brophy		49 - 51
24	By Ms. Cannon		51 - 53

1	I N D E X (cont'd)	
2		
3	By Mr. Mokhiber	53 - 55
4	By Ms. Baxter-Worth	55 - 56
5	By Ms. Yellott	56 - 58
6	By Ms. Keating	58 - 61
7	By Mr. Campbell	61 - 63
8	By Mr. Hahn	63 - 64
9	By Ms. Waggoner	64 - 65
10	By Mr. Christensen	65 - 66
11	By Ms. White	66 - 68
12	By Mr. Langan	68 - 69
13	By Mr. Pack	69
14	By Mr. Webster	70
15	By Ms. Clark-Gollub	70 - 71
16	CLOSING REMARKS	
17	By Chair	71
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
15
16
17
18
19
20
21
22
23
24

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

NONE OFFERED

P R O C E E D I N G S

CHAIR: Okay. Good evening everybody.

I'm Jake Glance from the Department of Environmental Protection's public information office. Welcome to tonight's public hearing on the Mountaineer Gas Company Eastern Panhandle Expansion Project. The permit number is WVR 310880. Also here this evening are Joe Cochran and John Michael Boseley with the Division of Water and Waste Management and Ed Maguire and Dennis Stottlemeyer with the Office of Environmental Advocate.

The purpose of tonight's hearing is to give you the opportunity to share your comments with the DEP about the Mountaineer Gas Company, Eastern Panhandle expansion project. Tonight's hearing is being recorded by a court reporter so that the comments shared can be part of the public rulemaking record.

To ensure that we successfully achieve the purpose of this hearing we ask that everyone be respectful and considerate of each other by refraining from interrupting others while they're speaking and keeping your comments on the topic so that our time together is used efficiently. We have a lot of people signed up to speak, so the time limit for each speaker

1 will be three minutes. I'll time everyone. So when you
2 hear the alarm if you could then conclude your comments.
3 For those wishing to speak when I call you up to provide
4 your comments please state your name and say if you are
5 representing any groups or organizations.

6 If you have written comments that you
7 would like to submit in addition to your spoken comments
8 please hand them to me after you speak or at the
9 conclusion of the hearing. Please remember that this
10 public hearing is not the proper forum for questions and
11 answers. We are here to receive comments on this permit
12 and we will respond to each comment when we issue a
13 decision.

14 If you have any questions about the
15 permit please speak with the DEP representative at the
16 conclusion of this public hearing. If no one has any
17 questions about the hearing format we will begin the
18 hearing with our first speaker. Thank you.

19 Okay. If you would, please, when you
20 come up to the podium -.

21 AUDIENCE MEMEBR: Could you introduce the
22 Board and who they represent so we can see who they are?

23 CHAIR: Yes. John Michael? Where's John
24 - John Michael Boseley right here raised his hand.

1 AUDIENCE MEMBER: Joe is watching the
2 door.

3 CHAIR: Joe is watching the door so
4 people can get in. Dennis Stottlemeyer with the
5 Environmental Advocates office and Ed Maguire also ---
6 Ed, raise your hand in the back. With the Office of
7 Environmental Advocate. So if you have questions about
8 the permits see one of us after the --- as the hearing
9 concludes. Any other questions?

10 Okay. Let's get started. The first
11 speaker is Mike Law, the second speaker is John Webster
12 and after John is - is it Clay or Carrie? Cam. I'm
13 sorry. Cam Trowbridge. Right?

14 Mike Law.

15 MR. LAW: Hello everybody. Welcome you
16 guys to Berkeley Springs today and manage to get to the
17 healing spas and enjoy our clean water. The first thing
18 I want to ask is that you deny this permit. Eastern
19 Panhandle pipeline permit, it does not meet the
20 requirements set by the West Virginia DEP oil and gas
21 construction storm water general permit. There are no
22 site specific designs. This proposed project is going
23 to go across Sleepy Creek. Sleepy Creek is one of the
24 most pristine creeks in Morgan --- in that whole east

1 coast of the United States.

2 I'm speaking for Morgan County wetlands
3 Watchdogs. We've made sure that things like the
4 industrial park have not contaminated our fragile
5 wetlands here. More than any place else in the state
6 we're aware of how fragile our water is. Second I want
7 to touch on that we are in contact with folks in
8 Highland County, Virginia and currently assessment
9 records show a very large drop in land values within a
10 half a mile of proposed pipeline, over 20 percent.

11 That --- in West Virginia this pipeline
12 is going 23 miles --- and this is a half mile on each
13 side of this. So for a solid mile for 23 miles we are
14 going to lose over 20 percent of our tax revenues.
15 Lower tax revenues equals lower community service. This
16 is going to be a disaster for our community. Third I
17 wanted to --- to mention that Morgan County has
18 overwhelmingly voted against zoning because we value
19 property rights so much, yet the Kesecker Farm is being
20 stolen by a multi-national corporation, a multi-
21 generation farm.

22 The folks in Virginia have also noticed
23 that when the pipeline construction goes through the
24 farmland is so damaged that you cannot farm for another

1 50 years on that land. This pipeline makes my land
2 essentially worthless. It makes most of the land of
3 Morgan County worthless. I don't know who would ever
4 move here when you know your land can be stolen any time
5 one of our corrupt politicians feels like selling their
6 soul. Thank you.

7 CHAIR: John Webster up next. After John
8 is Cam, after Cam Frank and Catherine Rodgers signed up.
9 Frank or Catherine is next.

10 MR. WEBSTER: Hello. Are our
11 representatives here?

12 Okay. Our representatives are wrong and
13 so is what they are doing. According to the SRSrocco
14 report the fracking bubble Ponzi scheme is about to
15 collapse. And I quote, the crucial factor overlooked is
16 the fact that the U.S. shale industry is stealing and
17 swindling energy from other areas to stay alive. Not
18 only is the U.S. shale industry \$212 billion in debt,
19 but it takes more energy to produce the oil and gas than
20 what we get from it. That's a negative return. This is
21 a perfect example of failing --- failing energy return
22 on investment, forcing an industry to cannibalize itself
23 and the public to keep from going bankrupt.

24 At some point the Shale industry will

1 collapse upon itself leaving one hell of a mess behind.
2 While it's hard to predict the timing of event it will
3 likely occur within the next two to five years. How
4 long is it going to take to do this pipeline? Then from
5 this morning's Peak Prosperity website comes the
6 following. The increasing cost of energy is manifesting
7 itself in prices --- higher prices for everything and in
8 lower real wages.

9 We are compensated for this in the short
10 term by using financial gimmicks to make energy
11 affordable, but all we are doing is creating debt that
12 cannot possibly be repaid. The crisis we're likely to
13 face is going to look like the great depression. The
14 math is straightforward, but cruel. This is fracking.
15 What's going to happen?

16 My question then to the state is why if
17 the fracking industry is going to collapse within the
18 next two to five years why we are we even entertaining
19 the notion of a frack gas pipeline that will tear up
20 Morgan County for not? Either stop the pipeline now or
21 wait five more years to see how this all plays out.
22 Thank you.

23 CHAIR: Cam? Cam is up next. After Cam
24 is Frank, after Frank is Leonard it looks like Barroh,

1 B-A-R-R-O-H. Is that right? Barron?

2 Okay.

3 MR. TROWBRIDGE: My name is Cam
4 Trowbridge from Martinsburg. I'm a past present of the
5 Opequon Creek project team which looks out for the
6 welfare and water safety and quality of the Opequon
7 Creek water shed, which encompasses eastern Berkeley
8 County and southwestern Jefferson County. The people
9 living in this area depend upon the Potomac River and
10 karst area wells and springs for their drinking water,
11 water for their livestock and agricultural irrigation,
12 and for the purity of water for manufacturing such as
13 the newly established Proctor and Gamble industrial
14 complex.

15 What could be more harmful than drilling
16 fluid and mud running off from a construction site into
17 ground composed of karst? The research I have done
18 shows that not a single gas pipeline crosses under the
19 Potomac River between Point of Rocks, Maryland and Paw,
20 West Virginia. Go to the National Pipeline Mapping
21 System at [PVNPMS.PHMSA dot, dot, dot.gov/PublicView](http://PVNPMS.PHMSA.dot.gov/PublicView).
22 Plug in the States of Maryland and West Virginia and
23 counties Montgomery, Frederick, and Washington, and
24 Jefferson, Berkeley and Morgan. Why is there no

1 pipeline under the Potomac from Point of Rocks to Paw
2 Paw? Because the underlying ground is karst.

3 What applies to the Potomac River applies
4 equally to the 14 Morgan and Berkeley County wetlands
5 and 67 county streams Mountaineer proposes to dig under.
6 The 23 mile long construction site Mountaineer Gas
7 proposes can create storm water runoff of drilling
8 fluids and muds that can contaminate and pollute
9 underground aquifers. No one has put a gas pipeline
10 under this section of the Potomac River, or under the
11 streams of northern Morgan and Berkeley Counties because
12 of the dangers of drilling and laying a gas pipeline in
13 karst rock, below the surface of the earth and at
14 inaccessible depths, and at inaccessible locations under
15 the water.

16 Drilling mud and fluid may well escape
17 into underground fissures, caves and waterways. What is
18 to contain these fluids as the drill progresses through
19 unknown karst formations? It is too easy for a pipe to
20 break as it lies in the air in a karst cave, unsupported
21 by anything underneath it. How is that to be detected
22 and once detected, how contained? What is to keep storm
23 water runoff containing drilling fluid pollutants from
24 flowing around a vertically orientated pipe, plunging

1 down to an underground aquifer as the pipe attempts to
2 burrow below Sleepy Creek, or Back Creek, or Opequon
3 Creek or 64 other creeks Mountaineer intends to dig
4 under.

5 The West Virginia Department of the
6 Environment created storm water permits not to
7 facilitate gas pipelines but to protect the environment
8 of West Virginia inhabitants from pollution and
9 contamination. Please deny Mountaineer's application.
10 Thank you.

11 CHAIR: Frank up next. After Frank is
12 Leonard, after Leonard is Abigail Benjamin.

13 MR. RODGERS: Good evening everyone. I'm
14 Frank Rodgers, Director of Cacapon Institute. Cacapon
15 Institute opposes this gas line. As I spoke with the
16 county Commission many months ago on the grounds of
17 climate change that the burning of natural gas will just
18 perpetuate the kind of flooding we saw in Berkeley
19 Springs not too many years ago. In the case --- and
20 there are also many hazards to the water shed, our own
21 water sheds and the Potomac that I'm sure folks will
22 speak about tonight.

23 In this particular case on this
24 particular permit we oppose the permit because it is

1 moving far, far too rapidly in a dynamic situation.
2 Just last week's paper pointed out in the editorial that
3 this pipeline and the blasting silica are being
4 permitted at the same time. Has there been any ---
5 where is the study in that? Another major concern that
6 the public should have on this is Mountaineer has not
7 made public the route. It has been this, it has been
8 that.

9 I have seen the states that go directly
10 behind Hedgesville High School and underneath of the
11 tractor trailer driving range runs the technical school
12 and yet I'm told it's not going to be there. And yet
13 there was --- there was survey space. So what is the
14 path? What route will this take? There has to be a
15 need for the pipeline. There has to be a --- this is a
16 permanent process which implies damage. The Mountaineer
17 company is being permitted to harm us. Now, if there is
18 a need, if there is a balancing justification for this
19 I'm open to discussion, but so far the FERC line from
20 Maryland has not been approved.

21 There is no gas to put in this line and
22 they are going to start building it. So the permit
23 should be denied until the Maryland FERC process has
24 been at least approved and that - thank you.

1 CHAIR: Leonard up next. After Leonard
2 is Abigail, after Abigail is Ann Bristow.

3 MR. BARRON: My name is Lee Barron and I
4 really like this stuff, this filtered water for my well
5 and I'm a solar analyst. I live here locally on Pious
6 Ridge Road and I grow all classes of plants. So I'm
7 very dependent on this product and also the quality of
8 the soil and trees as well. My vote is that this is too
9 hazardous. There's a possibility to install the
10 pipeline, that it's supposed to go three-quarters of a
11 mile from my house up on Pious Ridge Road.

12 And it --- it just will compromise
13 everything that I am doing. I don't understand it. I
14 believe we're at the end of the fossil fuel age. We
15 need to move on to cleaner energies. So what is
16 happening here doesn't make sense to me. Thank you very
17 much.

18 CHAIR: Abigail Benjamin up next. After
19 Abigail is Ann Bristow, after Ann is Alice Wilson.

20 MS. BENJAMIN: My name is Abigail
21 Benjamin and I'm an environmental lawyer licensed in
22 West Virginia. I intervened in the original permit case
23 in front of the Public Service Commission on behalf of
24 the Blue Heron Environmental Network. Today I am

1 speaking on behalf of the West Virginia Rivers
2 Coalition, a non-profit with over 7,500 supporters in
3 West Virginia. The West Virginia Rivers Coalition will
4 supplement my oral remarks with more technical comments.

5 The West Virginia DEP must deny this
6 permit due to its many deficiencies. The permit is
7 missing critical safety contingency plans and other
8 information the West Virginia DEP requires.

9 Sedimentation and erosion --- sorry. Sedimentation and
10 erosion from pipeline construction is known to
11 negatively impact West Virginia's rivers and streams.
12 Dominion's G150 pipeline, a 60 mile, 8 inch pipeline
13 built in the Northern Panhandle, received a fine from
14 West Virginia DEP of \$55,000 from 9 violations for
15 sediment deposits that impacted 12 streams and
16 waterways.

17 The Stonewall Gathering line, a 55 mile,
18 36 inch pipeline, received 53 violations and a fine of
19 \$110,000. More recently the Rover pipeline had to be
20 issued a cease and desist order because their best
21 management practices construction were appallingly
22 ineffective. Given this history of pipeline failures,
23 Mountaineer Gas should have given us detailed safety
24 plans for the permit. Missing information in this

1 permit is on many levels including enhanced erosion
2 control measures on steep slopes, karst geography
3 mitigation plans, site specific stream crossing plans,
4 stream restoration plans and horizontal directional
5 drilling contingency plans.

6 If Mountaineer Gas has submitted such an
7 incomplete permit application how can the West Virginia
8 DEP approve this permit and still protect our water
9 resources? Some of the mountains traversed by the
10 pipeline corridor in the Eastern Panhandle have steep
11 slopes. This means the soil to moderate to severely
12 erodible. Super silt fences or belted silt fences with
13 sediment basins and sediment traps must be required on
14 steep slopes. Sediment and erosion control measures on
15 steep slopes must go above and beyond what is typically
16 required to be effective at controlling erosion.

17 Many people have talked in detail about
18 the karst geography, so I'll skip that section in honor
19 of time. Pipeline construction causes increased
20 sedimentation and turbidity in nearby water sources.
21 The most significant treatment challenges for a water
22 utility is increased turbidity. The pipeline route
23 proposes to cross the wellhead protection for Berkeley
24 Springs, where we are now. Filtering excess sediment

1 introduced from pipeline construction projects will
2 increase the operating expenses of Berkeley Springs.

3 To conclude, the West Virginia DEP has a
4 responsibility to ensure the protection of the state
5 water resources. That is why the West Virginia Rivers
6 Coalition urges to be denied. Thank you.

7 CHAIR: Up next Ann Bristow. After Ann
8 is Alice Wilson, after Alice is Lee Banon,
9 B-A-N-O-N.

10 Is that right?

11 AUDIENCE MEMBER: I think he already
12 spoke.

13 MR. BARRON: I just spoke.

14 CHAIR: Okay.
15 You signed it twice. After - then Laura Steepleton is
16 after Alice.

17 MS. BRISTOW: Ann Bristow from Garrett
18 County, Maryland. I'm a health educator and I was
19 Commissioner of Governor O'Malley's Marcellus Shale
20 drilling initiative where I learned how state and
21 federal regulatory agencies ignore or minimize public
22 health threats from the oil and gas industry. So I want
23 to talk about those threats and I'd like to build on
24 what Cam spoke about in terms of karst geology. Very

1 little is known about karst geology in this part of the
2 world.

3 It's not specifically mapped. It
4 certainly is not in Maryland, so insufficient data to
5 evaluate a project like this under anti permits that are
6 being discussed. There are two ways in which West
7 Virginia wetlands and waterways can be damaged during
8 both pipeline construction and operational failures,
9 leaks, ruptures and explosions. I want to draw your
10 attention. I spent some time on this and come back to
11 karst, to a report done by Intertech for TransCanada.

12 These are borehole analyses done on both
13 sides of the Potomac and there's one borehole analysis.
14 And if you go back to the FERC application you can look
15 at this stuff. This is boring GO-6 in West Virginia.
16 It's on the West Virginia shore of the Potomac River and
17 in that they found a void which could be indicative of
18 karst and the consulting firm for TransCanada says that,
19 and I will quote, we do not believe that the purch
20 groundwater table at this location is part of a regional
21 aquifer or that it connects to the Potomac River or to
22 the Chesapeake and Ohio Canal.

23 We do not believe - DEP is supposed to
24 base their findings in science, not in beliefs from

1 industry or industry contractors. The contractor
2 further went to bibliography of the information that
3 supports their belief and in that they say that there's
4 inadequate data for groundwater in the region where this
5 borehole was made. So basically what we have happening
6 here in both Maryland and West Virginia with our
7 regulatory bodies is they're taking something where
8 there's a lack of evidence because research has not been
9 done and they're equating lack of evidence with lack of
10 harm or lack of potential harm.

11 Because we do not know where this is does
12 not mean that there may not be harm. So kind of
13 problems you get in karst geology that are not being
14 talked about are obviously the blowouts during
15 horizontal directional drilling. There are petro
16 chemical products used in the drill bit. There are
17 proprietary chemicals used in the drilling process and
18 in the drilling muds.

19 There's currently a FERC investigation
20 against energy transfer partners in Ohio for the
21 railroad pipeline that they may have used chemicals in
22 that drilling that they should not have. And this is
23 the same kind of horizontal directional drilling. The
24 last is methane leakage incarceration. It can gather in

1 areas like caves, like wells. It can migrate to cause
2 explosions. I wish I had time to tell you more, but
3 it's awful. Thank you.

4 CHAIR: Alison Wilson up next. After
5 Alice is Laura Steepleton, after Laura is Patricia
6 Kesecker, K-E - Kesecker. She's next after --- she's
7 the third spot. Yeah. Alice come on up.

8 MS. WILSON: Hello. My name is Alice
9 Wilson and I live in Martinsburg and I wanted to thank
10 you for holding this public hearing. It is extremely
11 important. I am, as I said, current resident of
12 Martinsburg since 2009. I was born and raised in the
13 Chesapeake Bay Watershed, fifth generation in Anne
14 Arundel County, Maryland around Annapolis. I grew up on
15 the shores of West River in a blue collar maritime
16 family drinking well water, exploring the rivers,
17 streams and marshes, and catching and eating local
18 seafood. I have a Bachelor's degree in Biology,
19 concentrating on the ecological studies of how all
20 living things are interrelated and dependent on each
21 other, and dependent on the local geology and careful
22 use of natural resources.

23 I am here tonight to speak about the
24 terrible risks involved in trenching and drilling this

1 land in Morgan and Berkeley Counties. Since I have
2 lived in Berkeley County I have explored many of the
3 creeks and streams in the area, and volunteered with the
4 foresters and Audubon staff planting trees and shrubs,
5 cleaning debris from the waters and creek sides. I have
6 hiked past sinkholes.

7 This area is known to be karst geology.
8 Karst is unstable, porous, easily dissolved and contains
9 underground fractures that lead to caves, connects
10 aquifers and contains holes which have collapsed forming
11 sinkholes. Our waters from the mountain streams provide
12 water to our wells, to farm ponds, municipal water
13 supplies, springs that feed livestock and irrigate
14 crops. Our wetlands are not just useless swamps, but
15 are the nurseries of billions of tiny organisms that are
16 the beginnings of the food chains, upon which all of our
17 food supplies depend. Drilling and trenching in this
18 area threatens to destabilize and pollute fragile karst
19 lands and waters. The drilling mud is a pollutant.

20 When it is spilled, as it did in the
21 Rover pipeline earlier this year, I believe it was in
22 Ohio, the mud kills the tiny organisms it covers. It
23 can seep into the aquifers and pollute water supplies
24 for unknown distances due to the underground caverns,

1 fissures and cracks in the karst. Wells, ponds,
2 irrigating water supplies and drinking waters for a
3 large area can be rendered unusable.

4 Water is life. It is essential to nearly
5 all life forms. There are no --- there are --- there
6 are alternatives to gas, oil and other fossil fuels.
7 There is no alternative to water. Please deny the
8 permit for Mountaineer to drill in the Eastern
9 Panhandle. Thank you.

10 CHAIR: Did you want to submit this as a
11 written --- ma'am?

12 MS. WILSON: Yes, please.

13 CHAIR: Okay.

14 You're Laura.

15 Right?

16 MS. STEEPLETON: Yeah.

17 CHAIR: Okay.

18 Laura's up next. After Laura is
19 Patricia, after Patricia is Christiane Graham, Christine
20 Graham. Yeah.

21 MS. STEEPLETON: Hello. I got to get the
22 nerves out considering I know most of you I shouldn't be
23 afraid to speak here. My name is Laura Steepleton. I'm
24 a resident right here in Berkeley Springs and a

1 concerned person about --- concerned about our water and
2 the pipeline. Also part of the community group Eastern
3 Panhandle Protectors. I have a lot of technical things
4 I want to talk about, but first I just want to say why
5 are we here doing this right now? This is ridiculous.
6 I don't expect your agency to protect us.

7 I spent years in southern West Virginia
8 where they blow up mountains for coal and they put rocks
9 down and they say that's the stream that's been created,
10 or they destroy the head water stream and they said
11 that's okay. Well, towns are poisoned because they
12 can't get their water because of either coal or the gas
13 industry. And you expect me to have faith that you're
14 going to do the right thing? I'm sorry. I don't, but I
15 imagine there must be some decent people in this agency
16 and I beg you if there are, please stand up and do
17 something right.

18 For you to speak out, for you not to be
19 the agency that we come to terms of --- it's called
20 don't accept protection. That's what we call West
21 Virginia Department of Environmental Protection. And
22 when I looked over this permit for Mountaineer Gas I was
23 like I can't believe you're submitting this.
24 Mountaineer Gas told us when we tried to intervene in

1 this process a year and a half ago thanks to Brent with
2 the Potomac Riverkeepers, Abigail Benjamin who was
3 representing Blue Heron Environmental Network.

4 Blue Heron Environmental Network were
5 setting up and protecting that creek for 30 years.
6 Mountaineer Gas and the Public Service Commission said
7 we will follow all of the environmental sensitivities.
8 We'll look at all of your records and your data. That
9 creek is such a clean creek and we have endangered
10 species in there. Mountaineer Gas has not contacted
11 anyone to get any of our information, or records or
12 talked to us about any sensitivities. They have treated
13 our landowners like garbage, they have lied to them and
14 they have manipulated them and you think we trust them
15 to do the right thing for crossing our water?

16 No, we don't. Their requirements aren't
17 even fulfilled. You don't have any mitigation for
18 karst, you don't have any contingency plans for how you
19 plan to drill under these creeks, horizontal threshold
20 drilling under Sleepy Creek and Back Creek. We already
21 know the risk in that, especially in karst geology.
22 Drilling is --- karst not on the creeks, but underground
23 the karst as well and nothing spread.

24 We've already had problems with other

1 pipelines recently, the railroad pipeline, the mariner
2 east pipeline where that has happened, where that has
3 clogged people's well and they no longer have their own
4 wells for drinking water. And they have to be hooked up
5 on the back of lines. And there's so many more.
6 There's no water monitoring programs put in place,
7 there's no --- I'm sorry.

8 There is no inspection frequencies,
9 aren't as stringent for other --- as they are with other
10 pipeline projects in this state and there's not even a
11 401 meeting because it's under 12 inches. I beg of you
12 to do the right thing. Deny this permit. We don't need
13 this gas. There's 14,000 miles pipelines in West
14 Virginia. They are not more economically prosperous
15 than we are in this part of the state. We don't need
16 this. Thank you.

17 CHAIR: Patricia's up next. After
18 Patricia is Christiane, after Christiane is Brent Walls.

19 MS. KESECKER: My name is Patricia
20 Kesecker. We have had a farm for pretty much 80 years
21 plus, family. They came in and did a survey. First
22 they said they was going to do a survey something along
23 the powerlines. That was not true. They have come in
24 and told us that they will take in the domain, which

1 they did. They took us to court. We lost all of our
2 rights. Now they want to go across our fields, 75 feet
3 wide. They're going to hold 50 feet of that for
4 themselves.

5 We pay the property taxes on that and if
6 anything happens according to their contract we are
7 responsible. I don't know if you saw in December the
8 5th. There was a family, a farming family in Illinois.
9 The father was 59, the son was 30. They were putting a
10 braised tile in the bottom area. The tractor got stuck,
11 one pulled the other one out, hit a 20 inch gas pack
12 line. Killed both the father and the 30 year old son.
13 Two workers were injured and this is what was there.
14 TransCanada, which is what we're starting that comes
15 into Maryland is Columbia, comes into West Virginia it's
16 Mountaineer.

17 And that's a slur on our Mountaineer
18 country I think because they're calling themselves
19 Mountaineer. This tractor you cannot even tell what it
20 was. It melted it down. According to their contract
21 they said we are responsible for any damages. Are they
22 going to come back on this widow and have her pay to fix
23 their 20 inch gas line at all after losing her --- her
24 husband and a son? They have so many excuses. They

1 keep switching everything back, you know. We're not
2 allowed to farm across it, we're not allowed to put
3 tractors across it.

4 Well, we farm. We have two bigger
5 tractors and a columbine. Suppose they put this ---
6 they're supposed to put it down start at three feet, now
7 go to four to five feet. With our rocks they had to put
8 one straight up and down and eventually the dirt wears
9 away and you hit it, you're gone. But how do they
10 expect us to be responsible for their damage? They're
11 putting the danger in the ground.

12 Why should we be responsible for what
13 they're doing to us and all? We took this to court.
14 We're now facing a three man Commission that the court
15 appoints five, we have to pick three, one for us, one
16 for them and a middle one. And all after that we're
17 going to be going for a 12 man jury in the summer. We
18 have no contract to sign because they took everything
19 away. They started out with 500 --- over \$5,000 feet
20 across that farm. They're going to the middle of the
21 best cornfield. We asked them to move it down. We
22 didn't want it at all, we didn't want the money and all
23 this, but they're still forcing us to do it.

24 And, well, we might be able to move it if

1 you would consider this amount. If they can consider it
2 for that why can't they just move it down further where
3 it would be safer and not on top of the hill where a
4 tractor go across it. They started out with the end of
5 domain as a transmission line. Then before we went to
6 the Commissioners they came along in a paper. Then
7 they're going to be a distribution line. Well, now
8 they're still building it.

9 So guess what? We're going to be a
10 storage line. Now, 1,400 pound pressure that they
11 normally run in this 10 inch line. They can jack that
12 pressure up to 475 feet - 475 pound pressure in that
13 line and it's going to be sitting there. Whether they
14 get it under the canal or not, they're still doing it in
15 West Virginia.

16 CHAIR: Ma'am, please conclude.

17 MS. KESECKER: So the - the thing is we
18 don't need it. They can just take everything away from
19 us and, like I said, we are the eyes and ears of the
20 valley, but when we hear the bulldozers it's too late.

21 CHAIR: Up next is Brent Walls. After
22 Brent is Brooke Harper.

23 MS. GRAHAM: Hello. Thank you for giving
24 me the opportunity to - to testify today. I'm --- I'm

1 Christiane Graham. I just bought a home in the Sleepy
2 Creek area and I absolutely love this area in West
3 Virginia. I'm asking the West Virginia Department of
4 the Environment to deny this permit, to discharge storm
5 water unsafely that is generated during pipeline
6 construction activities by --- let me call them all
7 three, TransCanada, Columbia Gas and Mountaineer Gas.

8 Both --- the three corporations have not
9 demonstrated any safe pipeline building practices as
10 seen in TransCanada's recent oil spill of 211,000
11 gallons in South Dakota. I understand the job situation
12 in West Virginia is dire and people are looking for
13 well-paying jobs. Let's not be fooled by the
14 corporation's promises to create jobs. All the high
15 paying jobs are filled already by trained staff, not
16 residents of West Virginia for the duration of the
17 project.

18 They are not interested in costly
19 training, although they will hire for lower paying
20 positions for one to two years, these are not permanent
21 jobs, as they have done in Pennsylvania and New York.
22 In these jobs many workers will risk their health as
23 they handle highly toxic chemicals and transport water,
24 a special West Virginia resource. The water impact is

1 unmeasurable. Building this pipeline will destroy the
2 fishing streams, i.e., the creek, and poison the wells
3 in the panhandle.

4 You have to ask yourselves is it worth it
5 and I know I speak --- I'm preaching to the choir. I
6 understand that. The two gas lines --- pipelines being
7 built in Virginia have used --- by Mountaineer have used
8 17 billion gallons of free water between 2005 and 2013.
9 Make no mistake that neither TransCanada, Mountaineer or
10 Columbia Gas will be paying for any clean West Virginia
11 water or pick up any of the associated health costs. I
12 am directly affected by the pipeline that is projected
13 to run within two miles of the home I bought in Morgan
14 County. I've hired a local West Virginia contractor and
15 I support the local economy. My well water will be
16 endangered by this pipeline, as water running through
17 the fragile karst geology can rapidly dissolve and form
18 pathways between ground and polluted surface water.

19 As a person of faith I believe in the
20 sacredness of the interdependent web of all life. My
21 congregation leads conscious efforts to heal and sustain
22 the planet that we call home. Many religious
23 communities agree with scientific research that climate
24 change is now an existential threat to humanity and our

1 biosphere. The danger to all life on earth due to
2 irresponsible burning of fossil fuels for energy
3 production is unconscionable.

4 We are facing a climate crisis that is
5 already causing suffering for people worldwide every
6 day. And I ask you in this case actually the people
7 from the Department of the Environment, what will you
8 tell your children and your grandchildren when they are
9 asking you, what did you do when the weather got worse
10 and the climate completely started changing? So I thank
11 you very much for listening to me.

12 CHAIR: Brent's up next. After Brent is
13 Brooke Harper, after Brooke is Charles March.

14 MR. WALLS: I'm going to take you all's
15 picture and the reason why I'm taking you all's picture
16 is it's a great turnout.

17 All right. My name is Brent Walls. I'm
18 the Upper Potomac River keeper. I've been in this
19 watershed for over ten years and the gas companies that
20 we see tonight are the --- that have been put in their
21 petition and their --- their application for this gas
22 pipeline are bullies. They're bullies, they are users,
23 they are liars. They are companies that only look for
24 profits. That's what they're after. There's no benefit

1 whatsoever to the residents of West Virginia and there
2 are no benefits to the residents of Maryland.

3 They are users of a system. This is
4 actually one pipeline, not two pipelines like what they
5 have done very successfully at doing in the past two
6 years. Mountaineer Gas pipeline with just a West
7 Virginia permit and the TransCanada pipeline with a
8 federal permit. They are one. They are dependent on
9 each other. The Mountaineer Gas pipeline would not
10 exist without the source from TransCanada.

11 So they are users of a system and that's
12 how they get into this process and that is exactly how
13 they're able to pull the wool over the state's eyes. I
14 find it ironic that we are allowing a gas pipeline that
15 does leak through karst geology. And might I remind you
16 a significant portion of the Eastern Panhandle is karst
17 geology?

18 And I also find it ironic that the State
19 of West Virginia banned the disposal of fracking waste
20 in landfills that are situated in karst geology even
21 though there are leachate protection systems in those
22 landfills that are supposed to be state of the art and
23 will protect our groundwater from any kind of potential
24 contamination.

1 That was passed not more than two, I
2 think three years ago and the --- the landfill that's
3 here in Berkeley County cannot take or receive fracked
4 waste because of the karst geology, but yet we're ---
5 they're going to allow a pipeline to go through this
6 karst geology. For the past decade or more gas
7 companies and the authority developments in these
8 counties have been looking to try to get gas to this
9 area and they have not done so, and the reason is is
10 because it's difficult to get anything under the Potomac
11 River. This application is insufficient as been pointed
12 out by several people tonight.

13 It doesn't have a communications plan, it
14 doesn't have a mitigation plan. There are no boring
15 logs for any of the crossings that are --- for all these
16 streams. We have no idea exactly where the karst
17 geology is. We have no idea where these streams and the
18 groundwater are connected. None of that information is
19 provided in this application. It is absolutely
20 insufficient, where if there's a spill on any one of
21 these streams six hours or less will get to the drinking
22 water intakes for Washington County and Berkeley County.
23 Six hours.

24 Department of Environmental Protection

1 needs to deny this permit because the FERC permit has
2 not been approved. This is premature of DEP to pass and
3 allow this permit to go forward until there is a
4 decision made by the federal government and the federal
5 agency FERC. Thank you very much.

6 CHAIR: Brooke Harper. After Brooke is
7 Charles March, after Charles is Meaghan Thompson.

8 MS. HARPER: Brooke Harper. Maryland and
9 D.C. Policy Director for the Chesapeake Climate Action
10 Network who represents thousands across this region who
11 are counting on both MDE and the West Virginia DEP to
12 conduct a thorough and transparent review of stream and
13 wetland crossings, upstream and downstream impacts,
14 cumulative impacts and to ensure that Maryland and West
15 Virginia's waterways are protected and its water quality
16 standards are met.

17 And quite truthfully the only way to do
18 that is to deny this pipeline and to deny this permit.
19 I'm also a Hagerstown resident and I have great concerns
20 that Mountaineer Gas Company's application of further
21 pipeline does not meet the requirement for the following
22 reasons. So, one, there's no mitigation or avoidance
23 measures of geologically sensitive karst areas are not
24 included in the application.

1 It encompasses over half of the
2 Mountaineer gas pipeline route and the TransCanada
3 pipeline crossing over the Potomac River. Karst
4 increases the risk of a blowout spill and also increases
5 the magnitude of private and public water contamination
6 if both pipelines were completed. In fact, if a blowout
7 were to occur it could impact the drinking water of
8 nearly 100,000 residents in Berkeley and Washington
9 Counties. It also does not look at the entirety of the
10 project which includes a TransCanada pipeline.

11 The entire pipeline project will impact
12 19 streams, 10 wetlands in Maryland and 100 streams and
13 wetlands in West Virginia. The pipeline route will pass
14 through stream systems that have major flora and fauna
15 and the clear path of 75 foot path requirement that's
16 been cleared along the entire route of both pipelines
17 through forest and farm land has the potential to
18 pollute streams and wetlands with sediment runoff and
19 reducing habitat for aquatic species.

20 In addition to these considerations site
21 specific designs for stream crossing methods are not
22 included in the application. Open cut crossings and
23 underground boring is proposed, but not the method as
24 specified and there's no contingency plan for

1 underground borings. There's inherent risks with the
2 construction of pipelines and the methods used to route
3 them across rivers and waterways from storm water
4 pollution to massive drills during the hydraulic
5 directional drilling method.

6 This method uses millions of gallons of
7 slick water typically laced with diesel fuel to drill
8 longitudinally under rivers and other structures. The
9 intense pressure combined with the volume of slick water
10 has led to blowouts during the drilling process that can
11 discharge millions of gallons of slick water into
12 streams and wetlands. A blowout can also occur on the
13 Mountaineer Gas pipeline causing the Sleepy Creek, Back
14 Creek and other tributaries to the Potomac River. For
15 these reasons we ask that you deny the storm water
16 permit for the Mountaineer Gas and we ask that you do
17 your due diligence.

18 Thousands of West Virginia residents have
19 signed petitions in opposition to the pipeline.
20 Hundreds have attended demonstrations and hearings such
21 as these and families like Patricia Kesecker, who you
22 just heard from, are fighting this pipeline by refusing
23 to give their land over to a frack gas pipeline. The
24 state mission of your organization is to use all

1 available resources to protect and restore West
2 Virginia's environment and come to it with the needs of
3 present and future generations.

4 We ask that you use all available
5 resources and protect the needs of future generations by
6 not locking communities into a frack gas pipeline that
7 threatens their health, their well-being, safety and our
8 overall climate. We ask that you deny this pipeline and
9 the permit for it to go forward.

10 CHAIR: Charles March is up next. After
11 Charles is Meaghan Thompson, after Meaghan is Susan
12 Prop.

13 MS. DROPP: Dropp.

14 CHAIR: Dropp. Charles.

15 MR. MARCH: Thank you. Yes, I'm Charles
16 March from the Sleepy Creek Watershed Association. I'll
17 keep my --- my comments brief. A lot of the folks have
18 already spoke of some of the issues and so I won't
19 repeat those. In 2007 the West Virginia Department of
20 Environmental Protection in their evaluation of the
21 Chesapeake Bay watershed area of West Virginia
22 categorized Sleepy Creek as an impart stream.

23 That impairment has not changed. The
24 impairment was based on high bacteria count and

1 excessive sediment caused by ongoing stream bank
2 erosion. That has not changed either. Sleepy Creek in
3 this watershed was also identified as home to three
4 endangered species. Operella, which is found only in
5 ten places in the world, our medium sized wood turtles
6 and eastern land mussels. That has not changed.
7 Survival of these species within the watershed is
8 ecologically important and primarily dictated by the
9 local geology and stream pathology that these folks have
10 mentioned.

11 Therefore, for all of this reasons of
12 excessive disruption to Sleepy Creek and distributaries
13 should be avoided and they should be avoided until we
14 have concrete evidence and proof that these people are
15 good for their word. Thank you.

16 CHAIR: Meaghan Thompson is up next.
17 After Meaghan is Susan, after Susan is Brady Worth.
18 Thank you.

19 MS. THOMPSON: Hi. I'm Meaghan. I
20 represent myself, I represent the Eastern Panhandle
21 Protectors and I represent the land and the water. This
22 pipeline is they say being brought in for economical
23 development. So here's some statistics that I just read
24 this morning. In West Virginia alone \$9 billion was

1 brought in in consumer spending for outdoor recreation.
2 Nationwide \$900 billion in consumer spending and just
3 over \$7.5 million direct jobs was brought in, more than
4 the coal and gas industries combined.

5 And a little bit history of Southern
6 Appalachia. From our early European settlement through
7 the mid-1900s the predominant force in Appalachian
8 economy was resource extraction. In fact, many of the
9 regions national forest and parks were created as a
10 reaction to ecological devastation caused by those
11 industrial --- industries decades earlier.

12 President Franklin B. Roosevelt
13 acknowledged as much during his address at the 1940
14 dedication of the Great Smokey Mountains National Park
15 stating that we realize now that we committed excesses
16 that we are today seeking to atone for. Dirty fossil
17 fuels are resources of the past and they will only last
18 for so long. The water and the land will continue to
19 live on and we should protect it now for our generations
20 and for future generations.

21 The world we live in is constantly
22 changing in the face of technological development, so
23 why are we still going back to these old ways that we
24 know do not work? We need to train our young workers in

1 fields that they will be able to continue to support
2 themselves and their families in the future such as
3 solar and wind energy. In doing this we protect our
4 other resources such as outdoor recreation which bring
5 in tourism and in turn economic wealth and development.

6 I live on a farm outside of
7 Shepherdstown, which has the potential to be affected by
8 this pipeline if there is a leak. We water all of our
9 crops from our well and if the water's contaminated how
10 can we sell things to people that they're going to
11 ingest in our body --- in their bodies? And our farm
12 runs off solar power. It's completely off grid. We
13 don't use the gas, we don't need their pipelines.

14 So there's an example right there of a
15 business that is thriving in this area that doesn't need
16 this pipeline and none of us need it, and I don't think
17 anyone here really wants it, so ---.

18 CHAIR: Susan. After Susan is Brady,
19 after Brady is John Qua. Last name is Q-U-A. Yeah.
20 Close enough?

21 Okay.

22 MR. TAYLOR-DROPP: I'm Susan
23 Taylor-Dropp and I've lived here for 25 years because I
24 love the mountains, the forests and Sleepy Creek. The

1 subdivision I live in, among others, has been cut off by
2 the state choosing to close our Burnt Mill Bridge access
3 saying they don't have the money to rebuild it or repair
4 it. In some respects that's fine. We don't mind not
5 listening to the rumble of people going across the
6 bridge, but I'm talking the current plan route includes
7 a corner of our subdivision and the only access road.

8 How will mostly elderly residents safely
9 leave the area if an emergency should happen during the
10 installation or when it has been installed and
11 operational? From Sleepy Creek it comes up a steep
12 wooded hill under Burnt Mill Road close to Meridian Road
13 cutting off any access in case of fire or other pipe
14 land disaster. We'd be trapped. There are almost a
15 hundred families that live in this area.

16 One would believe new pipelines would be
17 safer than older ones, but a recent analysis of federal
18 data completed by the Pipeline Safety Trust indicates
19 new pipelines are failing at even a higher rate. I
20 wanted to tell you as the initial President of Sleepy
21 Creek Watershed we picked the wood turtle as our emblem.
22 The wood turtle is listed as vulnerable in West Virginia
23 and only occurs in the Eastern Panhandle. It hibernates
24 three feet underground. What's that going to do when

1 they start blasting? You don't have to be an
2 environmentalist to care about this pipeline. You just
3 have to care about your wells, your safety and your
4 property values.

5 Landowners are likely to see a decrease
6 in property values due to the restricted use of land on
7 the easement area as well as the visual impacts of 50 to
8 100 foot by clear cut maintained constantly with deadly
9 herbicides to treat any further growth that will seep
10 into our waters and into Sleepy Creek. How will the
11 limited road of Route 9 and the smaller feeder roads
12 handle traffic while the construction is going on?
13 Large, heavy equipment, the pipes and other supplies
14 needed to support construction of the pipeline.

15 This will be going on for over two years.
16 Route 9 is bad enough when you have a 30 mile --- 35
17 mile an hour driver in front of you, but what about
18 large construction equipment? I'm a metal to the pedal
19 person, so ---. Weight restriction signs were put up to
20 discourage heavy trucks. How will you handle that. We
21 oppose the subdivision where I live in and Sleepy Creek
22 Watershed, too.

23 CHAIR: Brady. After Brady is John,
24 after John is Kathleen Brophy.

1 MR. WORTH: Hi. I'm Brady. I represent
2 common sense. I don't know if it's an organization, but
3 if it is everybody should join. A lot of people talked
4 about all the technical aspects, the geology, the
5 topography, the wildlife. Nobody's ever said whether or
6 not it's a good idea and it was funny because on my way
7 here my wife and I, we were talking about what we would
8 say, how we would say it. And all I kept thinking about
9 was a song that Frank Sinatra sung called High Hopes
10 where he said, oops, there goes another rubber tree
11 plant.

12 I don't know if any of you've ever heard
13 of Fort Landy. It's a brainstorm idea where a guy
14 decided he was going to corner the market on rubber. He
15 was going to go to the Amazon, he was going to clear cut
16 5,000 acres of rain forest, displace two villages full
17 of people, 10,000 people. 10,000 people. Build movie
18 theaters, build them playgrounds, build factories,
19 refineries. They paid --- they got road construction
20 crews, house construction crews, everybody in there.

21 And, you know, the only thing they forgot
22 to hire was a botanist that knew how to grow rubber tree
23 plants. The Board never hired one single person who
24 knew how to grow a rubber tree plant. As a consequence

1 to that they - in 1928 he started it. In - what was it?
2 Yeah, in 1945 synthetic rubber was created. So at a
3 loss of over \$200 million somebody decided they're going
4 to displace 10,000 people to grow rubber that they don't
5 know how to grow because they never took the time to
6 find out how so they can make money.

7 Then it was deemed unnecessary and they
8 never produced one tire, not one tire in the entire
9 time. So I say no to this on the basis of common sense
10 and I would hope that everybody else would, too.

11 CHAIR: John's up next. After John is
12 Kathleen, after Kathleen is Tracy Cannon.

13 MR. QUA: Hello. My name is John Qua.
14 I'm the representative of 350 DC. We fight for climate
15 justice in the environment in the District of Columbia.
16 While you will rightfully hear much from West Virginia,
17 Maryland, folks tonight this pipeline also threatens
18 millions of resident's drinking water in the District of
19 Columbia which the Potomac is our only source of
20 drinking water.

21 We work for the City Council to respond
22 to the Potomac pipeline because it threatens millions of
23 District's resident's drinking water and because D.C.
24 will have no legislative say in the construction of this

1 pipeline. And they actually unanimously passed
2 resolution, every single council member in opposition to
3 this pipeline.

4 So I wanted to read you their words. We
5 the undersigned members of the D.C. Council urge you to
6 deny the Eastern Panhandle expansion project, prevent
7 the construction of this pipeline and to protect all
8 users of the Potomac Watershed. And while we - while we
9 understand that these are residents of West Virginia, we
10 must act to protect our shared interest in the Potomac
11 River and the drinking water of millions of Maryland and
12 D.C. residents.

13 As you know, this fracked gas pipeline
14 will be directly beneath the Potomac and the C&O canal
15 in Hancock, Maryland. For its project TransCanada
16 proposes utilizing horizontal directional drilling, the
17 same technique that resulted in such massive spills and
18 contaminated the drilling fluid in Ohio that the federal
19 energy and regulatory Commission banned its use for
20 several months earlier this year. Ohio's pristine
21 protected wetlands were contaminated by more than four
22 million gallons of spilled drilling mud, which was later
23 confirmed to contain toxic diesel fuel.

24 Furthermore, the rock formations beneath

1 the Potomac River are comprised primarily of karst, a
2 highly porous geology which can easily trap and
3 transport pollutants. TransCanada has a long history of
4 serious spills from its existing pipelines and
5 underestimating the size of spills. A spill in the
6 Potomac watershed whether in construction or operation
7 of the Eastern Panhandle expansion could have a
8 disastrous effect on the residents of D.C. because all
9 of our drinking water comes from the Potomac River.

10 For all of these reasons we oppose the
11 construction of the pipeline beneath the Potomac River,
12 the drinking water supply for millions of residents in
13 D.C. The District government has taken many steps to
14 protect our residents from the health risks of lead in
15 their drinking water and given TransCanada's track
16 record we hope you will help us protect our residents
17 from this latest risk to their health and safety.
18 Please take action to protect our region from the
19 potential disaster that could render the water of
20 millions of people unsafe to drink and deny these
21 permits. Signed by all members of the D.C. Council.

22 CHAIR: Kathleen is up next. After
23 Kathleen is Tracy Cannon, after Tracy is Russ Mokhiber.

24 MS. BROPHY: Good evening. My name is

1 Kathleen. I'm also a resident of Washington, D.C., but
2 I spent my whole life across the --- across the ponds of
3 Maryland. And I've enjoyed the Potomac River all my
4 life, so has my family. So as John said, I'm also from
5 350 DC and I'm here to represent also the D.C.
6 residents, 681,000 of whom --- for whom the Potomac
7 River is their sole drinking source. I'm presenting and
8 I'm entering into the record a statement from George
9 Hawkins, the General Manager of the D.C. Water and
10 Sewage Authority who is also in opposition to the
11 pipeline.

12 I am writing to you to share our concern
13 D.C. Water with possible water quality impacts that
14 could accompany the construction of the Eastern
15 Panhandle Expansion project near Hancock, Maryland. As
16 you know, the proposed pipeline would run beneath the
17 Potomac River, which is the source of drinking water for
18 the 681,000 residents of the District of Columbia. In
19 addition, we provide drinking water to more than 17.8
20 million people a year who visit the nation's capital.
21 Because of those enormous stakes, D.C. Water is
22 extremely wary of any construction or endeavor that has
23 the potential to jeopardize the clear waters of the
24 Potomac River, the sole source of water for all those

1 people.

2 Let me emphasize that last point. The
3 Potomac River is the sole source of drinking water for
4 the nation's capital. A decision on whether to approve
5 this permit is based on your sense of the cost and
6 benefits of that decision. The benefit seems to be
7 marginally better transmission system for natural gas.
8 The risk, although low in probability, is a --- is a
9 catastrophic disruption of an essential and singular
10 source of drinking water to the entire Washington, D.C.

11 Three years ago I warned of the dangers
12 of fracking in natural forests and all the uncertainties
13 that surround a long-term impact of hydraulic fracturing
14 on source water across this country. In this case, the
15 Eastern Panhandle pipeline would carry fracked natural
16 gas to an existing pipeline that runs east, west. The
17 company building the pipeline, TransCanada, wants to
18 drill a pipeline under the Potomac River and the C&O
19 Canal to transport that gas. Your decision about
20 whether to approve a permit for this project could have
21 serious impacts on water quality for many years to come.

22 For that reason, I encourage you to
23 carefully weigh the potential for lasting damage to the
24 entire water supply for this region before you award

1 this permit. Unless there is an absolutely compelling
2 need for this pipeline to support the public health and
3 welfare of the national capital region, I would suggest
4 deferring on the decision now by declining to approve
5 this permit and holding your options open for the
6 future.

7 Thank you in advance for your time and
8 feel free to contact D.C. Water for more information.

9 CHAIR: Tracy is up next. After Tracy is
10 Russ, after Russ is Osha Baxter-Worth.

11 MS. CANNON: Okay. I'd like to thank
12 the West Virginia Department of the Environment for
13 having this hearing and for all of you for being here
14 tonight. I'm Tracy Cannon, an area resident for 33
15 years. I live on Back Creek in Berkeley County, one of
16 the creeks that would be affected if this pipeline goes
17 through. It's one of the last healthy creeks in West
18 Virginia. I've come here this evening to ask the West
19 Virginia Department of the Environment given the name of
20 your agency if you are okay with a pipeline going under
21 the many streams in our region.

22 The pipeline road would be maintained, as
23 Susan Dropp pointed out, with toxic herbicides that keep
24 trees from growing on the path. All that herbicide

1 would be washed down into our streams. I'm friends with
2 many of the members of the Blue Heron Environmental
3 Network who have been protecting Back Creek for 25 years
4 now. I know how they'll feel if the endangered species
5 that they've been protecting all this time were killed
6 by those pesticides.

7 Is the DEP okay with the gas company
8 manipulating landowners into signing away their rights
9 for a pipeline that will be on their land forever? I
10 know many of these landowners in Berkeley County and
11 Morgan County and they've told me that they wish this
12 project wasn't coming through their neighborhood. Many
13 have concerns about their well water in an area where
14 everyone has a well, and others have concern about
15 potential explosion and some neighborhoods, as it has
16 been pointed out, would be trapped behind the pipeline
17 with no --- no way out if there were an explosion or
18 other sort of incident.

19 Property owners in this area were told by
20 land agents that they had to settle with the gas company
21 or the company could seize their land through imminent
22 domain and they might get nothing for their sacrifice.
23 Many were also led to believe by these land agents that
24 they will get free gas hookups or even free natural gas

1 from this gas company and none of those things is true.
2 Mountaineer Gas had in the Martinsburg Journal in June
3 stating that they do not intend to give anyone in this
4 region free hookups.

5 So many of these area residents are
6 friends of mine, often longtime friends. Young people I
7 knew when they were children have bought --- bought
8 their first home or moved into a family home. Many have
9 started families only to find out that a pipeline is
10 coming within 50 feet of their well. I'm not okay with
11 any of this and I hope you are --- I hope you all aren't
12 either. I ask the DEP to take these environmental and
13 human costs into consideration when deciding whether to
14 approve this pipeline. Thank you very much.

15 CHAIR: Russ, you're up right now. After
16 Russ Osha, after Osha is Lynn Yellott, Y-E-L-L-O-T-T.

17 Is that right?

18 MR. MOKHIBER: There's another guy who
19 just walked in who wants --- Dr. Matt.

20 CHAIR: Okay.

21 MR. MOKHIBER: I would take my three
22 minutes to speak about the political economy of West
23 Virginia, otherwise known as the corporate State of West
24 Virginia. We --- and by the way of energy DEP to reject

1 this based on what everybody before me said. I came in
2 maybe five minutes late. Nobody has spoken up in favor
3 of it. If you go through the list of our elected
4 representatives who are up for election in November,
5 none of them are here.

6 All of them are in favor. We live in a
7 corporate State of West Virginia. Let's go out west.
8 County Commissioner filed for in favor, two delegates
9 from Morgan County Saira Blair, Daryl Cowles in the
10 natural gas industry. Our state senator, the esteemed
11 Charles Trump introduced legislation into West Virginia
12 legislature written by the natural gas industry to fast
13 track this pipeline to the Public Service Commission.
14 Our member of Congress, Alex Mooney, in the pocket and
15 U.S. Senator up for re-election Joe Manchin in the
16 pocket and two years -.

17 When we held the first meeting Patricia
18 Kesecker was at the first meeting and concerned about
19 them coming to take her land and Senator Manchin came to
20 Berkeley Springs to talk to the Pipelines Economic
21 Development Authorities and they said there are people
22 opposed. What are we going to do? And he said, don't
23 worry about it, we can take their land with imminent
24 domain. Don't worry about it. That was in the paper.

1 That was actually reported in the Morgan Messenger. We
2 can take their land with imminent domain, don't worry
3 about it.

4 So nobody here believes DEP is going to
5 do the right thing. Nobody here believes that. We're
6 all opposed to it. Nobody believes it. Not one elected
7 representative is here. They're all in favor of it.
8 Why? Because we live in a corporate State of West
9 Virginia and what we have to do this year is we have to
10 run people against each one of those representatives.

11 Bob Thor, Saira Blair, Daryl Cowles,
12 Charles Trump, Alex Mooney and Joe Manchin on the anti-
13 pipeline candidate against each one. That should be our
14 goal and that's doable whether or not the Democrats do
15 it or not. Thank you.

16 CHAIR: Osha up next. After Osha is Lynn
17 and after Lynn is April Keating.

18 MS. BAXTER-WORTH: Hi there. My name is
19 Osha. Not much will get me in front of a crowd of
20 people to talk about anything if you know me. I - I'm
21 completely opposed to this pipeline. I think it is an
22 absurd idea speaking on behalf of the planet earth and
23 the environment itself. I mean, it's our water. You're
24 supposed to love and respect your mother earth, not

1 screw her. That's really all I have to say.

2 CHAIR: Lynn's up next. After Lynn is
3 April Keating, after April is Matthew Hahn.

4 MS. YELLOTT: My name is Lynn Yellott.
5 My husband and I are two of the six million people whose
6 water depends on the health of the Potomac. We've lived
7 in our home in Jefferson County for 17 years. It
8 borders the Potomac. Our well is 150 feet below the
9 river surface and its water comes through karst geology.
10 We have had it tested. It's good water. If our
11 drinking water is polluted because of drilling for the
12 pipeline from a rupture or explosion, we have no other
13 source of water. We're too far from a municipal water
14 source and that would be polluted anyway.

15 My husband swims in the Potomac. We
16 kayak on the river and the Potomac is mentioned as an
17 attraction on the many visit Jefferson County websites.
18 It brings a large number of tourists who patronize local
19 businesses from an independent bookstore, to boating and
20 bicycling outfitters to --- and to restaurants, to name
21 a few. We --- we need to make sure we protect the river
22 as a recreation and drinking source.

23 And just as we avoided visiting
24 Charleston, West Virginia, still like to avoid going

1 there because of the Elk River spill, prospective
2 visitors and new businesses will avoid our area with
3 devastating economic impact if there's any fear of
4 compromised water. At the hearing in Hancock we had
5 heard from economic development officials and
6 politicians. I won't call them representatives because
7 they don't ordinary --- they don't represent ordinary
8 people like us and they said that our area requires gas
9 for economic development.

10 I'd like to know exactly what kind of
11 businesses aren't coming here because there's no gas.
12 I'd like to know how much money each of these officials
13 is getting from the gas and pipeline corporations. And
14 why aren't these proponents of development focusing on
15 --- their energies on guaranteeing decent broadband for
16 all of us and higher teacher pay in our area since so
17 many of our good teachers work in neighboring states
18 with much better salaries? These are the criteria
19 businesses use when deciding whether or not to locate
20 here and I hope that the DEP will ask them these
21 questions.

22 And there is no reason to think that the
23 pipeline corporations like the coal companies, won't
24 treat West Virginia as a third world country, taking

1 from state residents to enrich their out of state
2 coffers. And as Russell pointed out or in one of his
3 articles, Senator Trump's bill, S390, seemed to do just
4 that. If we truly want to look to the future, I want to
5 echo what some other people said earlier. That it's
6 time to keep the fossil fuel and fossil fueled
7 industries from lining the pockets of West Virginia
8 politicians.

9 And the DEP should ask themselves what
10 they'll tell their grandchildren, when as adults those
11 grandchildren are contending with extreme weather and
12 extreme upheaval, and ask what did you do to protect the
13 environment? And what will you tell your grandchildren
14 when they ask what did you do to usher in an alternative
15 --- an era of alternative energy sources that will turn
16 around climate change? And I just hope that you will
17 see that you're the Department of Environmental
18 Protection. Thank you.

19 CHAIR: Up next is April. After April is
20 Matthew Hahn, after Matthew is Sandra Waggoner.

21 MS. KEATING: Well, this is an amazing
22 turnout and what a gorgeous audience you guys are. I
23 came over from Buckhannon, West Virginia, the heart of
24 the state, in Upshur County where we are fighting ACP.

1 And I came over here to support you people and it looks
2 like you don't need a whole lot. You guys have got it
3 going on. There's so many people here that I'm really
4 amazed and really thinking on your feet and that's what
5 we're asking DEP and our representatives to do now, is
6 think on their feet.

7 I want to talk to you about water and
8 morals and I'm not going to take forever, but this is a
9 moral issue. These pipelines lead to more fracking. If
10 anybody wants to come to north central West Virginia and
11 visit Frackistan I will be happy to arrange a tour that
12 will curl your hair and upset your stomach. There are
13 people living without water who used to have good water.
14 Now they're carrying their water. Their water was
15 poisoned by fracking. They have nosebleeds, they have
16 heart problems and they have breathing problems.

17 And I know that these are linked to the
18 compressor stations that they live near because when
19 they leave their home and go on vacation they feel good,
20 and when they come back home they get sick again. This
21 is what we're looking at, water contamination. That
22 coupled with the climate crisis that we're in with the
23 storms and the droughts and everything going crazy the
24 water is going to become more and more precious.

1 Fracking uses up to nine million gallons every time they
2 frack.

3 They can frack a well up to eight
4 different times. If this pipeline does not have a karst
5 mitigation plan then there is absolutely no way that
6 this pipeline should be allowed to proceed. And that's
7 not the only thing it needs. Really it shouldn't be put
8 in at all. No pipeline should be. We need to stop
9 using gas. We need to phase ourselves out starting now
10 and move to renewable energy. Solar, and wind and other
11 renewable energies employ more people in 2015 than '16
12 in the coal and gas industries combined.

13 We know this. And we know that we can do
14 hemp in West Virginia. We can have factories and we can
15 protect our water and our tourism industry and our
16 public health. West Virginia has the highest cancer
17 rate of certain cancers in the nation and if you look at
18 the communities that have injection wells from fracking,
19 and widespread fracking and water loss you will see that
20 those are the communities that have these health
21 problems.

22 We can't separate pipelines from fracking
23 and fracking from water. It's all connected. Water to
24 public health and if you want to make people sick so

1 that you can make a profit there's something really
2 wrong with you and we don't want you here.

3 CHAIR: We're going to insert Kevin
4 Campbell in right now. After Kevin is Matt Hahn and
5 after Matthew will be Sandra Waggoner. So Kevin
6 Campbell.

7 MR. CAMPBELL: Thank you. I drove over
8 from Upshur County tonight with April. And as she
9 mentioned we have the ACP and next door to us in Lewis
10 County they also have the --- the envy, too. Both of
11 those are 42 inch and 1,440 psi. This 10 inch or 400
12 psi could cause catastrophic damage. I don't want to
13 make it sound like it's --- it's small compared to the
14 monstrosities that we have, but it's small today. If
15 this is allowed --- they've already gotten their
16 easements. They can go back and make it bigger later.
17 They can add another pipeline parallel to it in the same
18 easement.

19 This is a monster that will not stop
20 growing and it's going to continue to grow because this
21 gas is worth twice as much on the world market as it is
22 here. And once they can get that price for it on the
23 world market then they can double the price to everybody
24 domestically. It's obvious. It's going to happen.

1 They also have a free pass on this thing.

2 They're guaranteed a return on their
3 investment for building the thing and the ratepayers are
4 guaranteed to get the bill from the electric utilities
5 because that's how it's set up. And even though the
6 majority of the gas that goes through this pipeline will
7 eventually make its way to export the U.S. ratepayers
8 are going to be paying for it. That's most of you.
9 There's probably one or two here besides me that are off
10 the grid. I'm not paying for it. The other thing that
11 your community needs to be aware of is when these
12 pipelines go in there is virtually no concern for public
13 safety whatsoever.

14 People mentioned being trapped on uphill
15 slopes, being trapped in neighborhoods where there's no
16 way out. Over in Lewis County we have the stonewall
17 momentum gathering line, which has had gas running
18 through it now for two years. It operates --- it's a 36
19 inch line operating at 700 psi and there is no
20 evacuation plan for anybody living within a mile and a
21 half of that pipeline.

22 Nobody knows what to do in an emergency
23 because that is not a requirement anywhere in the
24 regulations that the people near the pipeline know what

1 to do. You're all expandable to the industry, to the
2 state and even to your own emergency management. Thank
3 you.

4 CHAIR: Matthew Hahn up next. After
5 Matthew is Sandra Waggoner.

6 MR. HAHN: This pipeline is a terrible
7 idea. Why in the year 2018 would we support such a
8 stupid idea as a fossil fuel pipeline running through
9 our county? In the year 2017 in this country we spent
10 \$306 billion trying to recover from natural disasters
11 caused by climate change. This is just the beginning of
12 climate change and that's how much money we spent
13 already. This is a stupid idea to be doing this. Why
14 would we do something like this in the year 2018?

15 We need jobs in the State of West
16 Virginia. Renewable energy supplies those jobs. Solar
17 power currently supports three times the number of jobs
18 of the entire fossil fuel industry. So why would we be
19 investing in a fossil fuel project like this now? The
20 reason is because our public officials are bought and
21 sold by the fossil fuel industry.

22 They believe in profits over people and
23 people die because of this so these companies can make
24 more money and so our public officials can support their

1 buddies and their parties to our detriment, to the
2 detriment of every person in this room to the detriment
3 of our children. We need to stop this. We need to draw
4 a line in the sand and Russell was absolutely right.
5 Our best protection is to get rid of every one of these
6 elected officials as quickly as possible. Vote against
7 every one of these incumbent by yourself.

8 We need to take back government. We need
9 honest government that is here for citizens, not for
10 corporate profits. Our lives are at stake. Let's not
11 let this happen. Thank you.

12 CHAIR: Up next Sandra Waggoner.

13 MS. WAGGONER: Hello. My name is Sandra
14 Waggoner. I oppose the Potomac pipeline, period, and
15 all new and existing pipelines that are crisscrossing
16 this country. Clean water, clean soil and clean air are
17 the basic needs for our survival, human kind, animals.
18 That's it. Clean water, clean air, clean soil. And
19 anybody that can't see that is foolish, is foolish. An
20 interesting thing in Wikipedia. I don't know if anybody
21 already mentioned this or not.

22 I got in a little late and I apologize
23 for that, but just in the 21st Century, so since the
24 year 2000, there's over 590 reported pipeline instances

1 severe just in our United States. Over 590. We cannot
2 let this continue, we cannot let this continue. And I
3 really didn't have anything prepared other than my
4 sincerest hope that there'll be enough people that we
5 will win and stop the Potomac pipeline.

6 On another note, if you're interested in
7 any way --- I'm not --- for Arcadia Power. If anybody's
8 interested in talking to me about that as an easy way
9 for you to switch to wind at your current residence now
10 and get off of coal is one small step we can do towards
11 renewables if anybody's interested in that discussion
12 afterwards. No Potomac pipeline. Thank you.

13 CHAIR: Is there anyone else who wishes
14 to speak tonight? If you would, please just state your
15 name for the record.

16 MR. CHRISTENSEN: Yeah, John Christensen.
17 Good evening everybody. I think I know most of
18 everybody here. John Christensen, Mountain View Solar.
19 And was headed down to Charleston to do some lobbying
20 work, but saw this public hearing and I --- I couldn't
21 help it. Couldn't help but to stay here. I want to be
22 with my friends and everything that's been stated
23 tonight unequivocally right on. I mean, just perfect
24 and I can go on and on and bore everybody, but how many

1 people here have solar on their house right now? Look
2 at this. Let's hear it.

3 There is an alternative to this pipeline.
4 It's solar power. It's very easy, it's very cheap, get
5 off the grid, connect to the grid and get your meter in
6 credits. It's all good. You save money. This gas
7 pipeline is not going to help anybody here and it could
8 kill us. It could kill us. So I mean, the --- the
9 decision on this is very easy.

10 You know, do you want to go to the future
11 of clean energy, and clean air and clean water or do we
12 want to stay in the past and drink this dirty fossil
13 fuel crap that is thrust down our throat? I mean, even
14 bottled water has traces of petroleum in it, so we want
15 to get off of this. We want to get healthy, we want to
16 have a future for our grandkids and our kids. Let's go
17 solar and the heck with this pipeline. Thank you.

18 MS. WHITE: Hello. I'm Dawn White and I
19 sat through two and a half hours of comments over in
20 Maryland and most of those comments were extraordinarily
21 well presented with facts. And tonight I was so pleased
22 to hear someone bring up the political side of things,
23 but I just want to tell you that most of us in Morgan
24 County have never encountered costs.

1 I have a law practice in Martinsburg and
2 I was consulted by a farmer who told me that his farm
3 pond had completely disappeared in the course of five
4 days after a neighbor drilled a residential well.
5 That's karst. And let me tell you for a lawyer that's
6 almost impossible to prove that the one caused the
7 other. It's circumstantial, so I wouldn't worry too
8 much about pollution of your water. I'd worry more
9 about whether or not you're going to be able to find it
10 and it doesn't come back.

11 That was a problem in Bunker Hill in '94
12 and I'm very glad I live in Morgan County until I went
13 to my office one morning and discovered a hole about six
14 feet deep that would have completely swallowed my car in
15 the back alley that went down to my office building.
16 Fortunately it was the responsibility of the City of
17 Martinsburg, but they told me its karst. So that's my
18 experience of karst. I also wanted to tell you that I
19 think we have to recognize the politics behind all of
20 this and I hear people talking about putting in new
21 candidates and everything.

22 And, of course, that's a brilliant idea,
23 but I think we also have to recognize that the
24 Department of the Environment is going to be under

1 extraordinary pressure in Charleston right now and
2 continual until they make their decision. And the
3 reason we have none of our elected officials, our local
4 elected officials, here --- and Mr. Trump and Mr. Cowles
5 both spoke in favor over in Hancock, is because they
6 know that this signed mine stems to gain enormously from
7 the availability of natural gas here in Morgan County.
8 They are at the moment totally dependent on propane, so
9 that might be another link that you should remember.

10 But I think that what you have to do is
11 to contact and support the Department of the Environment
12 in giving them the courage to do their work because for
13 all of the presentations that we've had on behalf of the
14 gas line never once have anywhere they spoken to the
15 issues of concern to all of us. So right now write a
16 letter to the Department of Environment and remind them
17 that they represent us and not our local officials.
18 Thank you.

19 CHAIR: Just state your name, please.

20 MR. LANGAN: Tom Langan. I live right
21 off Pious Ridge Road near River View --- near River
22 Road. One thing I went to the Hancock organization and
23 I see several organizers which did a great job over in
24 Hancock. Thank you. But I heard that this TransCanada

1 corporation is good citizen. It's going to take care of
2 the pipeline and I just wanted to say that I found some
3 statistics in U.S. according to census report only
4 .00897 percent of companies make it to 100 years old.
5 TransCanada is 67 years old.

6 The chances of it being here to be this
7 corporate citizen that they say they are, to take care
8 and maintain the pipeline are .009 percent. Think about
9 the late '80s something was built and you had to go back
10 to your contractor. They wouldn't be there. Thank you.

11 CHAIR: Sir? Is his name Tom? Is there
12 anybody else who wishes to speak tonight? Just say your
13 name for the record.

14 MS. PACK: My name is Lindsay Pack. I'm
15 not from West Virginia. I'm from Maryland. Originally
16 from Texas and I don't know a lot about West Virginia,
17 but I want to recommend a book that gives you a whole
18 different perspective at least to me about West
19 Virginia, its background. It's a short read, less than
20 200 pages. It's available on Amazon. It's called
21 Written in Blood. Have any of you read it? No. I urge
22 you, please read Written in Blood. Thank you.

23 MR. WEBSTER: One thing that never comes
24 up in these conversations ---.

1 CHAIR: What is your name?

2 MR. WEBSTER: John Webster. John
3 Webster.

4 CHAIR: John Webster.

5 Okay.

6 Thank you.

7 MR. WEBSTER: Is the fact that plastic
8 bottles are made from frack gas. Every bottle of water
9 you buy is made from frack gas. And what do the
10 fracking companies or pipeline companies give people
11 when their wells go bad? They give them water in frack
12 plastic bottles. They're still making profit.

13 CHAIR: Anyone else who wishes to speak
14 tonight? State your name for the record.

15 MS. CLARK-GOLLUB: Hi. My name is Jill
16 Clark-Gollub and I live in Montgomery County, Maryland
17 and I drove two hours up here today just to --- without
18 prepared remarks, but to lend my solidarity to my
19 brothers and sisters up here who are fighting this
20 pipeline.

21 For the good of all of us and as one of
22 millions of Marylanders who drink Potomac River water I
23 just want to put in my two cents to say please don't let
24 the dying gas of the fossil fuel industry do any more

1 harm to us. As people very eloquently said here, we
2 can't have any life without water.

3 We can't have healthy communities in
4 Maryland or West Virginia with this pipeline going
5 through karst geology on our Potomac River being built
6 by one of the fossil fuel industry's most harmful and
7 irresponsible companies in the world. Thank you.

8 CHAIR: Anyone else who wishes to speak
9 tonight? If not, this concludes the public hearing on
10 the Mountaineer Gas Company Eastern Panhandle Expansion
11 project. The permit number is WVR 310880. The comment
12 period ends on January 19th. If you wish to receive a
13 copy of the comments and responses please make sure your
14 e-mail address is on the sign in sheet. Thank you for
15 your participation and have a safe drive home.

16

17

* * * * *

18

HEARING CONCLUDED AT 7:44 P.M.

19

* * * * *

20

21

22

23

24

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