COMMONWEALTH OF WEST VIRGINIA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

IN RE: CONSTRUCTION STORMWATER PERMIT
FOR THE EQT HAMMERHEAD PIPELINE
PROJECT

PUBLIC COMMENT

BEFORE: JACOB GLANCE, Member
        Rick Adams, Member
        Dennis Stottlemyer, Member

HEARING: Monday, December 3, 2018
        6:08 p.m.

LOCATION: Morgantown City Building
          Council Chambers
          389 Spruce Street
          Morgantown, WV 26505

WITNESSES: Duane Nichols, Paul
            Douglas, Angie Rosser,
            James Kotcon

Reporter: Aliana Vignali

Any reproduction of this transcript is prohibited without authorization by the certifying agency.
<table>
<thead>
<tr>
<th>INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENING REMARKS</td>
</tr>
<tr>
<td>By Mr. Glance</td>
</tr>
<tr>
<td>STATEMENT</td>
</tr>
<tr>
<td>By Mr. Douglas</td>
</tr>
<tr>
<td>STATEMENT</td>
</tr>
<tr>
<td>By Mr. Nichols</td>
</tr>
<tr>
<td>STATEMENT</td>
</tr>
<tr>
<td>By Ms. Rosser</td>
</tr>
<tr>
<td>DISCUSSION AMONG PARTIES</td>
</tr>
<tr>
<td>STATEMENT</td>
</tr>
<tr>
<td>By Mr. Kotcon</td>
</tr>
<tr>
<td>CERTIFICATE</td>
</tr>
<tr>
<td>Number</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Sargent's Court Reporting Service, Inc.  
(814) 536-8908
PROCEEDINGS

MR. GLANCE: Good evening, everyone. I'm Jake Glance from the Department of Environmental Protection's Public Information Office. Welcome to tonight's public hearing on the Construction Stormwater Permit for the EQT Hammerhead Pipeline Project.

The Registration Application Number is WVR311199. Also here this evening are the DEP's Rick Adams. He's with the Division of Water and Waste Management, and Dennis Stottlemyer with the Office of the Environmental Advocate.

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 Hammerhead Pipeline Project.

Tonight's hearing is being recorded by a court reporter so that
the comments shared can be part of 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 topic so that our time together is used efficiently.

For those wishing to speak, when I call you up to provide your comments, please state your name and say if you are representing any groups or organizations.

If you have written comments that you would like to submit, in addition to your spoken comments, please hand them to me after you speak or at the conclusion of the hearing.

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

If you have any questions, please speak with a DEP representative at the conclusion of the hearing.

What we're going to do is, I have the list of people who signed in to speak. What we'll do is I'll just call your name, come on up here and make sure you kind of turn this way so the court reporter can hear what you're saying because we don't have the PA system. And then whenever you're done, just be careful of the wires and make your way back to your seat.

If there's anybody that has any questions about the format? Yes, sir?

MR. NICHOLS: Isn't there also an opportunity to submit comments up until some future date?

MR. GLANCE: Yeah, the public comment period ends on December
13th.

MR. NICHOLS: I didn't hear you say that.

MR. GLANCE: I'm sorry. I didn't. I was going to say at the end of the hearing actually. So ---.

MR. NICHOLS: Thank you.

MR. GLANCE: No problem at all. Yeah, December 13th by e-mail or in writing is fine.

Any other questions? We'll get started.

Okay.

The first speaker was Paul Douglas. He said yes, but then he crossed it out?

MR. DOUGLAS: Yeah, it doesn't involve me, but I'm all for it. Even though it doesn't involve me or my land, and that's all I got to really say.

MR. GLANCE: Okay.

Next on the list is Duane Nichols. Duane, you can come on up. I'll get out of your way here.
MR. NICHOLS: Thank you very much. My name is Duane Nichols, 330 Dreamcatcher Circle, Morgantown, West Virginia. I was born in Tyler County, and inherited 70 acres in Tyler County, and we have gas coming from that property at the present time.

I want to talk about this particular situation. I believe that the main Hammerhead gathering is misleading because it's not gathering from wells here in West Virginia. The same circumstance applied as far as I know to the Stonewall gathering line, which it wasn't connected either and mislead a lot of people.

And I'm personally disappointed that the state isn't concerned about whether the public is misled by the companies that come here.

Second item is the staffing at DEP. I have heard almost every time I ask that the various branches
at DEP have openings or are understaffed or need an increasing salary so that they can attract personnel. It stands to reason that to the extent that staff is not available to monitor gas lines that they should not be permitted. That's only a rational perspective, particular if we want to protect the state.

The third item is a follow up on that one, because I personally have inspected some aspects of the Rover Pipeline, some aspects of the Stonewall gathering pipeline, some locations for Mountain Valley Pipeline and for the Atlantic Coast Pipeline. And in every case I could see where there was water permeating through, flowing under, flowing over. In many cases soil was being washed and there were no violations being applied.

Four, there is an article in the Reuter's News Service on November 28th that said that the Rover
Pipeline and the Mariner East Pipeline had incurred over 800 violations.

Now, if that isn't an embarrassment to the industry, then you won't find one. And for the DEP to continue to permit lines and have these violations or have conditions prevailing that are not inspected and to go under the wire, it's an embarrassment to those of us in the public.

Item five, there's an article by Terry Etam in a journal called BOE Report on November the 26th, 2018 entitled Seven Marcellus Natural Gas Myths.

And among other things they are saying that the industry is misleading the public and for the industry to being do so and the state not being concerned about it is a real problem.

I would like to talk about West Virginia Energy Policy, but I'll submit that in writing. I'd like to
talk about Nationwide 12th permits, but I only want to talk to two sentences about that. Now when the West Virginia DEP issued nationwide 12 permits to the Atlantic Coast pipeline and the Mountain Valley Pipeline it was obvious to the casual observer that this was out of place.

I am over 80 years old, I'm a chemical engineer with a background in working in various deals and it was obvious that this was inappropriate. And now the Courts have found so, and yet the West Virginia DEP has not acknowledged that they were in error, that they -- that it was inappropriate and that they had shirked their duty to apply appropriate procedures to these pipelines.

Thank you.

MR. GLANCE: Next to speak is Angie Rosser.

MS. ROSSER: Thank you.

I'm Angie Rosser representing the West
Virginia Rivers Coalition, and thank you for the opportunity to speak. I think it's really important that the Agency conduct these public hearings to hear from impacted community members and our members who are concerned about impacts on water. What we've seen in recent years are widespread systemic issues related to natural gas pipeline construction that have caused sedimentation in streams, cause landslides. We saw an explosion in Marshall County that raised a lot of alarm for the communities where these pipelines are being constructed through some pretty tricky terrain. And I'm going to speak some of the slope issues that we've noticed, but generally, what we have noticed is that this stormwater Construction permit is critical in making sure that companies develop plans that are strong enough to keep pollution from happening in the first
place.

    And that's our goal, because the cumulative effect of what we're starting to see and have been seeing for a few years now of increased sedimentation in streams certainly has had an impact.

    And that some of these plans that have been approved by the Agency have not proven affected enough to prevent that pollution.

The first point --- and you will receive written comments from us as well. So I'm just hitting on some high points tonight, but we're preparing those written comments and we'll get those to you by the December 13th deadline.

First, we think it prudent to put in place the - this permit of what we anticipate will be the reissued general Wheeling Gas Stormwater construction permit. And we're waiting for - to hear from the Agency of when that reissuance
happens. It seems imminent, and that because construction of this pipeline will not occur until November 2019, it makes sense to make sure that the conditions of this permit align with the enhanced best management practices and the increased frequency of inspections that we hope will be included in that reissued permit.

Because we noticed and have surmised that if there were increased inspections in some of these pipelines we've seen that have been in violation, that possible pollution could have been prevented. So that's a very key piece.

The other thing we want to bring your attention to is that this Hammerhead Pipeline impacts two public source water protection areas for public drinking water supplies that's in Pine Grove and also Sistersville.

And for obviously reasons we want to be even more careful within those source water protection areas to
use enhanced controls to prevent pollution from happening and that we would strongly recommend a requirement in this permit that if a spill occurs that the company is required to report that to the downstream public water utility.

Second, what we think is lacking here are detailed construction plans for individual stream crossings. What we've seen in other permits - or I'm sorry, other pipelines in the state is we've learned that one size does not fit all when it comes to stream crossing. We're talking about approximately 128 streams and wetlands being impacted by this pipeline. And the one size fits all has proven not to be affective.

So we would urge the Agency to make sure the Company has thought through detailed plans for each of these individual stream crossings.

And there are other lessons we can learn from other pipelines.
And these are cited in the DEP's inspection reports and notices of violations, where they've seen that we need better protection at the outlets of water bars, and this plan or this application talks about having 18-inch filter socks at those outlets. And we've seen on numerous occasions where that had been enough with other pipelines, especially on these steep slopes that we're talking about. So that needs enhanced clearly.

On the steep slopes, this pipeline, 40 percent of it is being constructed on slopes that are greater than 35 percent. So it brings increased concerns about erosion and landslides.

We would recommend that a geologic study be done that looks at the orientation of bedrock up against the topographic slope along these stream crossings and plan accordingly. That if the bedrock is oriented in a way that aligns with the
slope, we have a better chance of
landsides. And landslides, what
we're hearing from and seeing from
communities, that's one of the biggest
concerns.

It's one of the most
catastrophic things that can happen to
a pipeline because we saw in near
Moundsville an explosion and initial
investigation points to land
subsidence as a cause of that.

So we urge the Agency to
require the company to take a close
look of where these steep slopes
occur, what the geology looks like.

And something else we think
is lacking is the landslide mitigation
plan. It's very vague. We would like
--- we need to see much more
definition and specificity when it
comes to that landslide mitigation
plan.

And this is something that
EQT as a company should be familiar
with. They're building other major
pipelines on steep slopes and we would expect to see a lot more specificity about how they're prepared.

And that's I think what the community wants to see, is knowing that this company has thought through a catastrophic scenario and is equipped and prepared to prevent that and if --- in the worst case scenario prepared to mitigate the effects of that.

Another lesson learned is that sediment traps would be beneficial on these steep slopes. There's an absence of that in other pipelines and think that it could be another enhanced control or measure to keep.

If sediment is eroding off the construction site that it's caught in these pounds before it gets in a water body or drinking water source.

Another recommendation we have, a lesson learned from other pipelines, is to put in this permit a
restriction around the length of the
right-of-way that is exposed or under
construction at any given time.

And what we would recommend
is that the construction site they're
working on --- that stretch they're
working on is restored before starting
another spread. So that's covered up,
that's stabilized before exposing
soils and disturbing earth on another
spread.

Specific to this pipeline,
it crosses over quite a bit of mine
pools, coal mining pools and that's an
added concern especially around
blasting. So we would want the Agency
and the company to take a much more
careful look around the possible
impacts of blasting through those mine
pools that exist along the route.

Just a few more things to
mention. You know, we're concerned
about erosion that occurs while
construction is underway, but what
we're seeing a lack of here are
specific stream restoration plans. And we think that's very important to
preventing chronic and avoiding
chronic erosion. So we'd like to see
that added to this permit is specific
plans around stream restoration.

We'd like to - we think
it's important to include an invasive
species plan. So when reclamation
occurs that that is considered and
would urge that the permit be enhanced
to conform with Section Four of DEP's
erosion and sediment control field
manual.

And finally, you know, one
thing we've given a lot of thought to
of how to keep an eye on what's
happening in stream downslope from
these pipelines. And we have a water
quality standard around turbidity and
think it would behoove the Agency's
efforts, citizen monitoring efforts,
prevention to understand what's
happening with turbidity in the
stream. And think it's appropriate
that the company be responsible for
monitoring turbidity at a frequent
basis at these crossings.

So that hits the high
points, and you'll hear more from us
in writing.

Thank you.

MR. GLANCE: Angie was the
last person to sign up to speak.
There's some other - there some people
who came in. I don't know if you guys
want to speak or not, but if you
would, sign in.

It's right outside the door
here. Yeah.

We still have some time to
be here, so what we we're going to do
if there's nobody else who wishes to
speak right now, we'll just push
pause. And then we will rejoin if
more people come to submit comments.

In the meantime, we can
answer questions. We have the maps
here you guys can look at. And Rick
and Dennis can also answer questions
for you.

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

---

MR. GLANCE: If you would just say your name. Right there.

MR. KOTCON: My name is James Kotcon, K-O-T-C-O-N. I'm with the Energy Committee of the West Virginia Chapter of Sierra Club.

We are opposed to any additional investment in fossil fuel infrastructure, and in particular, this pipeline appears to have been sprung on us with very little notice and very little understanding of the ramifications of that.

We would, therefore, like to request an extension of the comment period for at least an additional 30 day so that we would have time to review the implications of this facility.

Secondly, from what I've
been able to determine, a high percentage of the pipeline crosses areas with slopes of greater than 35 or 40 percent. As DEP is well aware, it is extremely difficult to assure protection of water quality when disturbing slopes of that size, especially over the miles of terrain that this facility will cross.

We, therefore, would recommend that the permit prohibit any slopes greater than 35 percent and that they reroute the pipeline to avoid those areas. It is the only way that we can assure that they there will not be massive soil erosion and land slippage associated with this into the waters of the United States.

There is a wide variety of other issues that we will be raising in our comments, but at this time, we would simply say that we'd really like to see some additional opportunities and extension of the comment period as well as some consideration of changing
the route to avoid the most hazardous areas.

Thank you.

MR. GLANCE: Is there anyone else who wishes to speak tonight? If not, this concludes the public hearing on the Hammerhead Pipeline Project. The comment period ends on December 13th, 2018.

If you wish to receive a copy of the comments and responses, please make sure your e-mail address is on the sign-in sheet. Thank you for your participation. Have a nice evening and a safe drive home.

* * * * * * *

HEARING CONCLUDED AT 7:40 P.M.

* * * * * * *
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.

[Signature]
Aliana Vignali,
Court Reporter