

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OF  
WEST VIRGINIA

\* \* \* \* \*

IN RE: MOUNTAINEER XPRESS PIPELINE

\* \* \* \* \*

BEFORE: JACOB GLANCE, Chair

HEARING: Monday, December 11, 2017  
6:11 p.m.

LOCATION: Doddridge County Park  
1252 Snowbird Road  
West Union, WV 26456

WITNESSES: Mirijana Berant, Linda Ireland, Beth Crowder

Reporter: Brooke Hunsaker

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

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CHAIR JACOB GLANCE: All right. Good

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

The purpose of tonight's hearing is to give you the opportunity to share your comments with the DEP about the Mountaineer Xpress Pipeline's construction stormwater permit. Tonight's hearing is being recorded by a court reporter so that the comments shared can be part of the public rulemaking record. To ensure that we successfully achieve the purpose of this hearing, we ask that everyone be respectful and considerate of each other by refraining from interrupting others while they're speaking and keeping your comments on the topic so that our time together is used most efficiently.

For those wishing to speak when I call up you to provide your comments, please state your name and

1 say if you are representing any groups or organizations.  
2 If you have written comments that you would like to  
3 submit in addition to your spoken comments, please hand  
4 them to me after you speak or at the conclusion of the  
5 hearing. Please remember that this public hearing is not  
6 the proper forum for questions and answers. We are here  
7 to receive comments on this permit and will respond to  
8 each comment when we issue a decision. If you have  
9 questions please speak with a Dep representative at the  
10 conclusion of this public hearing.

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

19 MS. BERANT: Yes, you did, Jake.

20 CHAIR: Very good.

21 MS. BERANT: If I were -.

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

24 MS. BERANT: Okay.

1 Court reporter: Can you spell your name,  
2 please?

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

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

23 It took DEP three or four months to  
24 institute that order. During that three or four month

1 period more and more damage was incurred on our streets.  
2 Some of this damage was within a half a mile, three  
3 quarters of a mile of our water treatment plant for our  
4 municipal water supply. Our area also has endangered  
5 mussel and clam species, where the sedimentation that is  
6 ending up in these streams is endangering them.

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

16 I am concerned about how I personally will  
17 be impacted, especially if they're using explosive  
18 devices and whatever to clear the right-of-way, et  
19 cetera, which will impact my water well. Which might not  
20 really bother some of you guys out there that are sort of  
21 grinning. I appreciate the fact that people need jobs.  
22 I don't - you know, jobs are great. I'm concerned also  
23 about the safety of the workers on these sites. I have  
24 seen bulldozers tied off to other bulldozers while you're

1 clearing the sites, while the mud and everything else is  
2 ending up in our creeks.

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

16               And I realize that you all rely upon  
17 primarily on what you witness, not necessarily what local  
18 area residents that are witnessing it on a day-to-day  
19 basis, even if they provide you photographs and stuff  
20 like that. So I want some assurance that this is - that  
21 you will be protecting our community. And I'm a retired  
22 person that's on a limited income. If I have to move for  
23 me to buy something that's equivalent to what I have now,  
24 is going to be virtually impossible if - plus the fact



1 that this pipeline is not other than tax dollars and  
2 revenue in this county, it's not benefitting people that  
3 live in this area.

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

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

22 MS. IRELAND: Spell my name? It's  
23 L-I-N-D-A, I-R-E-L-A-N-D. I love this land and the  
24 people who live here. And I'm here to try to protect

1 them and I know that's why you're here, too. I know that  
2 - and I thank you for coming. I know that most likely  
3 you chose your profession because you share our love for  
4 this land. I'm sure you're frustrated, saddened at  
5 having to permit activities such as this pipeline and the  
6 accompanying gas development that you know are harmful to  
7 the land we love. And the water and the air that we rely  
8 on.

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

20           We will continue to see our land, water  
21 and air and our well-being devastated with the well pass,  
22 compressor stations, truck traffic, processing  
23 facilities, storage and waste disposal that all goes  
24 along with pipelines. And all should be taken into

1 account. I ask that you therefore not only deny this  
2 permit, but declare a moratorium on all gas  
3 industry-related permits until a comprehensive study of  
4 the cumulative and long term effects of the whole process  
5 of gas development, the effects on human health, on our  
6 water supply, on our air and on our land.

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

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

19                   MS. CROWDER: And I'll watch the cord. My  
20 name's Beth Crowder. Can you hear me? My name's Beth  
21 Crowder, and like these two ladies here who are - one of  
22 whom's a neighbor and one of the other is somebody that  
23 I've met more recently, but is also a friend of mine. I  
24 really couldn't have put it any better than these two

1 ladies already have. Mirijana is being impacted by the  
2 same pipeline that I have 2400 feet of through my  
3 property. I'm not sure how close Linda is to the  
4 pipeline, but I do know that we made choices in our lives  
5 to - to live where we live. And we're being forced into  
6 another choice, which is to just give up, and plenty of  
7 people have given up. They've you know taken what they  
8 could get for their property and they've left because  
9 they don't see a future you know for their lives here.

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

20                   And sadly, the people who do the heavy  
21 lifting and economics and energy development and carbon  
22 don't believe it's sustainable, either. They believe  
23 that it's really just you know a kind of an investment  
24 scheme that's built on itself. People will get rich,

1 they'll get lots - lots of people will get rich. You  
2 know we may or may not ever meet those people. The  
3 people that are on the minerals underneath my house live  
4 in Naples, Florida, and I'm sure they have lots of other  
5 nice houses in other beautiful parts of the world. They  
6 don't live here. They've never seen my property, but  
7 they own the minerals underneath.

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

18                   So you could have this kind of candle and  
19 that kind of candle, and one of them is cleaner when it's  
20 burning, but this particular candle of Marcellus Shale  
21 gas is poison. It's a very expensive poison and it's  
22 going to kill people. In fact, those people that are  
23 killed are not going to be living in Naples, Florida or  
24 maybe their island somewhere. They're going to be living

1 here and they're going to be feeling like they got a  
2 pretty good break because they got a job. So that's my  
3 viewpoint.

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

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

1 few minutes.

2 ---

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

4 ---

5 CHAIR: We're going to get this started  
6 back up and probably wrap this hearing up. Okay  
7 everyone. In the 20 minutes or so that passed, if  
8 anybody thought of some comments they want to make, now  
9 is the time. Even if you didn't sign up to speak, this  
10 is your last chance to do so tonight. No one? Okay.  
11 This concludes the public hearing on the construction  
12 stormwater associated with oil and gas construction  
13 project permit for the Mountaineer Xpress Pipeline. The  
14 permit number is WVR310872.

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

22 \* \* \* \* \*

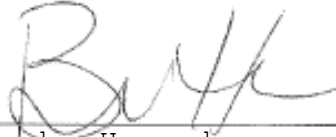
23 HEARING CONCLUDED AT 6:57 P.M.

24 \* \* \* \* \*

## 1 CERTIFICATE

2  
3 I hereby certify, as the stenographic reporter,  
4 that the foregoing proceedings were taken stenographically  
5 by me, and thereafter reduced to typewriting by me or  
6 under my direction; and that this transcript is a true and  
7 accurate record to the best of my ability.

8  
9 I certify that the attached transcript meets the  
10 requirements set forth within article twenty-seven,  
11 chapter forty-seven of the West Virginia Code.

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15 \_\_\_\_\_  
16 Brooke Hunsaker,

17 Court Reporter  
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