



**VETERAN  
REPORTERS**

**MOUNTAIN VALLEY PIPELINE**

**PUBLIC HEARING**

**DRAFT VIRGINIA WATER PROTECTION PERMIT**

**MONDAY, SEPTEMBER 27, 2021  
6:00 P.M.**

**PIGG RIVER COMMUNITY CENTER  
2410 SOUTH MAIN STREET  
ROCKY MOUNT, VIRGINIA 24151**

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**APPEARANCES**

MELANIE D. DAVENPORT, WATER PERMITTING  
DIVISION DIRECTOR

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**VIRGINIA WATER CONTROL BOARD MEMBERS:**

HEATHER L. WOOD, CHAIR  
LOU ANN JESSEE-WALLACE, VICE-CHAIR  
PAULA H. JASINSKI  
TIMOTHY G. HAYES  
DR. JACK O. LANIER

**SPEAKERS:**

DELEGATE CHARLES POINDEXTER  
CHRIS SAXMAN  
STEVE PADGETT  
PHILLIP SWAINE  
MICHAEL BARBER  
OLUDARE OGUNDE  
DAVID ANDERSON  
PAUL SCHNEIDER  
NIK BANKA  
JIM SHOCKLEY  
ROGER JEFFERSON  
JEREMY PETERS



1 ROBERT W. WARREN  
2 RON SCEARCE  
3 LISA SHORTER  
4 DAVID SMITHERMAN  
5 CLINE BRUBAKER  
6 DAVID BUTTERWORTH  
7 BILLY NEWCOMB  
8 JOSHUA VANA  
9 BOB CAMICIA  
10 GORDON SMITH  
11 JOHN GOLDEN  
12 JOYCE WAUGH  
13 ALEC RHUDY  
14 CONNIE SMITH  
15 JERRY CONNOR  
16 BRIAN O'CONNOR  
17 ANTHONY SCIMECA  
18 FALLON SIMMONS  
19 JOYCE BEAVERS  
20 TOMMY BOWLIN  
21 PAUL MCCORMACK  
22 ROD MIDDLETON  
23 JIM BEAVERS  
24 GENE ROSE  
25 JO ANN D. BOONE

- 1 LUCAS BROWN
- 2 JOBYL BOONE
- 3 ANN ROGERS
- 4 BRIAN HOLBERT
- 5 MICHAEL CARTER
- 6 JESSICA SIMS
- 7 GRACE TERRY
- 8 LYNN GODFREY
- 9 GRACE M. TUTTLE
- 10 LINDA SUTTON
- 11 BOB PECKMAN
- 12 KRISTIN PECKMAN
- 13 DELORES SWITZER
- 14 JAMES OYLER
- 15 AMY SHEA
- 16 FREEDA CATHART
- 17 CYNTHIA MUNLEY
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**MOUNTAIN VALLEY PIPELINE**

**PUBLIC HEARING**

**MONDAY, SEPTEMBER 27, 2021**

**6:00 P.M.**

**CHAIR WOOD:** Good evening, ladies and gentlemen, my name is Heather Wood, Chair of the State Water Control Board. Other Members of the Board joining me tonight are Lou Wallace, Tim Hayes, Paula Jasinski, and Dr. Jack Lanier. The State Water Control Board is a policy-making body of citizens appointed by the Governor and empowered by the law to, among other things, adopt regulations and issue permits or certificates. Members of the Board are not employees of the Department of Environmental Quality...

**ATTENDEE:** We can't hear you.

**CHAIR WOOD:** Thank you.

**(WHEREUPON, technical matters were handled.)**

**CHAIR WOOD:** Members of the Board are not employees of the Department of Environmental Quality, but a Member of the public. In addition, now they can't hear.

**ATTENDEE:** No. Getting on the mic.

1 **ATTENDEE:** It's not on.

2 **MS. DAVENPORT:** Mine's not on

3 either. Can anybody hear tapping?

4 **ATTENDEE:** Nope. Something's not  
5 working.

6 **(WHEREUPON, technical matters were handled.)**

7 **CHAIR WOOD:** Let's try this again.

8 Good evening, ladies and gentlemen, my name is  
9 Heather Wood, Chair of the State Water Control  
10 Board. Other Members of the Board joining me  
11 tonight are Lou Wallace, Tim Hayes, Paula  
12 Jasinski, and Dr. Jack Lanier. The State Water  
13 Control Board is a policy-making body of citizens  
14 appointed by the Governor and empowered by the  
15 law to, among other things, adopt regulations and  
16 issue permits or certificates. Members of the  
17 Board are not employees of the Department of  
18 Environmental Quality, but a member of the  
19 public. In addition, the State law and  
20 regulations that are the basis for the actions  
21 taken by the Board and the Department. Neither  
22 the Department nor the Board has the authority to  
23 make changes to the law.

24 I will serve as your Hearing  
25 Officer for tonight's public hearing. The

1 hearing was authorized by the Director of the  
2 Department, and notice of the hearing was  
3 published in the Franklin News Post, the Smith  
4 County News Messenger, Floyd Press, Roanoke  
5 Times, Danville Register & Bee, Chatham Star  
6 Tribune, Southwest Times, Virginian Leader, Salem  
7 Times Register, Newcastle Record, Vinton  
8 Messenger, Fincastle Herald, News Messenger, and  
9 Radford News Journal. This hearing is being held  
10 as one method for the Board and the Department to  
11 receive public comments on the draft Virginia  
12 Water Protection, excuse me, the draft Water  
13 Protection Individual Permit for the Mountain  
14 Valley Pipeline Project. Written comments are  
15 also accepted by the Department by mail, email,  
16 and fax through October 27th, 2021.

17                   This fact finding proceeding is  
18 being held pursuant to Sections 2.2-4019 and  
19 62.1-44.15, Section 5 of the Code of Virginia,  
20 and the Board's Procedural Rule Number One. When  
21 a public hearing is held, the Board makes the  
22 final decision of the permit. No decisions will  
23 be made here tonight. The Board will make a  
24 decision at a future Board meeting currently  
25 being planned for December 14th, 2021.

1 The comments we hear tonight and  
2 tomorrow night will be collected along with the  
3 written comments received during the comment  
4 period. Comments relative to the draft permit  
5 will be reviewed and considered in the  
6 development of the Department's final  
7 recommendations for the Board's consideration.

8 Also I would like to note that  
9 there is a quorum of the Board in attendance  
10 tonight, therefore this hearing, there will be a  
11 quorum at the, I'm sorry let me start over. Also  
12 I would like to note that there is a quorum of  
13 the Board in attendance at tonight's hearing, and  
14 there will be a quorum at the public hearing  
15 tomorrow night as well. Because the Board is  
16 hearing the public comments firsthand at these  
17 public hearings, the Board will not provide an  
18 opportunity for public comment on the draft  
19 permit at the meeting when we consider final  
20 action of the draft permit. The State Water  
21 Control law does not require that there be an  
22 opportunity for the public comment at the meeting  
23 when the public hearing is conducted by a quorum  
24 of the Board. Please be assured that all oral  
25 and written comments relevant to the draft permit



1 will be considered by the Board when we meet in  
2 December.

3 Rules for commenting this evening  
4 are as follows: Each person wishing to provide  
5 oral comments has three minutes in which to do  
6 so. No pooling or consolidation of minutes may  
7 occur. Written comments may also be handed to  
8 any Department staff person here tonight, and I  
9 would like staff folks here tonight to raise your  
10 hands, please, so folks know who they can hand  
11 them to. Thank you. Your name and mailing  
12 address must also be included with your written  
13 comments.

14 This hearing will adjourn at 9:00  
15 p.m. or when everyone present has had their  
16 opportunity to speak, whichever occurs first. I  
17 will call on any Federal or State Legislatures or  
18 their representatives first, to be followed by  
19 those people who have signed up to speak, and  
20 that will be done in the order that you signed  
21 in, until the hearing adjourns. We will also be  
22 calling five of you at a time to queue up, we  
23 have found this works very efficiently and allows  
24 the meeting to flow efficiently. If you do not  
25 get an opportunity to speak, please consider

1 submitting your comments in writing. All  
2 comments relative to the draft permit will be  
3 considered regardless of whether the comments  
4 were submitted orally or in writing, and written  
5 comments may be as long or as short as necessary.

6 The purpose of tonight's hearing  
7 is to receive your comments on the draft permit,  
8 no questions will be answered at tonight's  
9 hearing. Courteous and respectful behavior is  
10 expected from everyone here tonight. Disruptive  
11 attendees may be asked to leave. If considered  
12 necessary, a recess may be called, or the hearing  
13 could be adjourned. We will be recording  
14 tonight's public hearing and the recording will  
15 be made available on DEQ's YouTube meeting  
16 channel. Please note that the public comment  
17 period for this draft permit will close at 11:59  
18 p.m. on October 27th, 2021.

19 I would like to now introduce the  
20 principle Department Staff present, Melanie  
21 Davenport, Director of Water Permitting Division,  
22 Dave Davis, Director of Office of Wetland &  
23 Stream Protection, and Steve Hardwick, Central  
24 Office, Virginia Water Protection Permit Program.  
25 Melanie Davenport will now provide a brief

1 introduction.

2 **MS. DAVENPORT:** Thank you.

3 Mountain Valley Pipeline was issued an Upland 401  
4 Water Quality Certification on December 8th of  
5 2017. Both the State Water Control law and the  
6 Virginia Water Protection Program regulations  
7 specified that in addition to the Upland 401  
8 Certification, an individual Virginia Water  
9 Protection Permit is needed for certain gas  
10 pipelines, and Mountain Valley is the kind of  
11 pipeline that that second permit is required for.  
12 DEQ received a joint permit application for the  
13 Virginia Water Protection Program individual  
14 permit on February 22nd of this year, and as  
15 earlier mentioned by Chairperson Wood, the draft  
16 Virginia Water Protection permit and notice of  
17 these public hearings were published in a number  
18 of local newspapers.

19 **CHAIR WOOD:** At this time I will  
20 call on any Federal or State Legislators or their  
21 representatives that have indicated a desire to  
22 speak. And I believe we had a couple. Yes sir,  
23 please? If I could ask you to please give your  
24 names and the district you represent?

25 **DELEGATE POINDEXTER:** Madame Chair

1 and Members of the Board, good evening and  
2 welcome to Franklin County. I'm Charles  
3 Poindexter, and I represent Virginia's 9th  
4 District in the House of Delegates, and that  
5 includes Franklin County, Patrick County, and  
6 Western Henry Counties. I will be brief.

7           The Mountain Valley Pipeline runs  
8 through a consumer part of my district, and the  
9 project is extremely important to promote  
10 economic development in this area. Franklin  
11 County currently lacks any access to natural gas,  
12 and the MVP is the only way to change that. One  
13 of the pipeline taps will serve the Summit View  
14 Business Park, an entirely new initiative that  
15 has significant county money sank into it. I  
16 cannot overstate the importance of this pipeline  
17 project's completion for the county's economic  
18 success.

19           The absence of natural gas  
20 connections has cost the county economic  
21 development opportunities in the past, and is  
22 essential to the long-term vitality of the  
23 region's economy. I can say this because when I  
24 served on the Board of Supervisors, we could not  
25 get industry in because we did not have natural

1 gas, that continues to occur, and indeed is so  
2 sophisticated today that we don't even get the  
3 prospects identified to this county, where others  
4 that don't have natural gas because the companies  
5 don't even engage, and that includes sometimes  
6 even in Richmond. Close to ninety percent of the  
7 pipeline has already been buried underground,  
8 it's important that the Water Control Board  
9 approve this permit so the remainder of the work  
10 can be completed. This permit was appropriate  
11 and is protective of natural resources. In fact,  
12 approvment is the best thing we can do for the  
13 environment at this point.

14 We need the project crew to finish  
15 its work, restore the right of way, and end the  
16 disruption that has inconvenienced farmers and  
17 other landowners. I have heard from so many of  
18 them who just want this project finished, so they  
19 can get on with their lives and use their  
20 property. Approving this permit is the right  
21 step to take for that to happen. I ask you to  
22 support that permit. Thank you for letting me  
23 testify this evening.

24 **CHAIR WOOD:** Thank you. Any other  
25 members of the State or Federal Legislature?

1 Okay.

2 **MS. DAVIS:** So at this time we're  
3 going to call on individuals who have indicated  
4 on the sign-in sheet they wish to speak, and as  
5 Chairman Wood explained, I'm going to call five  
6 names at a time and if you could queue up? So  
7 the first five names are Chris Saxman, oh and  
8 before I say anything, before I mispronounce  
9 anyone's name or fail to read someone's writing,  
10 I'm going to apologize in advance. So please  
11 don't hesitate to tell me if I have mispronounced  
12 your name. So Chris Saxman, Steve Padgett,  
13 Phillip Swaine, Michael Barber, and Oloudar  
14 Ogunde, hopefully I got that right. And let me  
15 remind you that each person has three minutes to  
16 present their comments and the timer is going to  
17 be shown on the top of the screen, correct?  
18 Everybody can see the timer? So you could watch  
19 your time, okay. Mr. Saxman?

20 **MR. SAXMAN:** Thank you. Thank you  
21 Madame Chair and Members of the Board, Melanie,  
22 as always. It's an honor to follow on my former  
23 seatmate from the House of Delegates, Mr.  
24 Poindexter to the podium, it's indeed an honor to  
25 be back in Franklin County after many years of

1 service in this area in the bottled water  
2 business, running a route. I served as the 20th  
3 House District representing Stanton, Augusta  
4 County, Harrisonburg, excuse me, Rockingham  
5 County, and Highland County.

6 My name is Chris Saxman, Executive  
7 Director of Virginia Free, a source of  
8 nonpartisan political information for Virginia's  
9 business community. I am speaking tonight in  
10 support of Mountain Valley Pipeline and the draft  
11 Virginia Water Protection permit.

12 The MVP project would add  
13 important capacity to our region's infrastructure  
14 system and meet, and help meet the public's  
15 energy needs. Roanoke Gas Company will tap the  
16 MVP in Montgomery and Franklin Counties. These  
17 taps will be instrumental in recruiting and  
18 retaining businesses in Southwestern Virginia and  
19 Southside Virginia, creating the jobs needed to  
20 secure our region's and our nation's future.  
21 While construction of the project has created  
22 thousands of jobs, the operation of MVP will  
23 create conditions that allow for long-term  
24 economic growth.

25 It is important to support a

1 project like MVP in order to empower more people  
2 with jobs and generate more tax revenue, which  
3 will then be used to fund teachers, sheriffs,  
4 police officers, firefighters and provide for our  
5 social safety net. It is important to recognize  
6 that these are very significant public benefits,  
7 but they cannot be realized unless this draft  
8 permit is issued, and MVP can be completed and  
9 enter service. The region has managed the  
10 majority of the hassle associated with  
11 construction, most of the MVP is already buried  
12 and in the ground under restored right of way.  
13 It is imperative that the remainder is completed  
14 as quickly as possible so full restoration can  
15 occur and a full realization of MVP's benefits  
16 can take place.

17                   The argument over whether MVP is  
18 needed has already been answered by the Federal  
19 government, it is needed to meet public demand.  
20 The Virginia Water Protection permit provides the  
21 authorization for safely finishing work on an  
22 underground pipeline that is substantially  
23 complete. The draft permit reflects thorough  
24 review and is protective of Virginia wetlands and  
25 streams, and I respectfully request the Board



1 approve the Virginia Water Protection Permit.

2 Thank you, Madame Chair.

3 **CHAIR WOOD:** Thank you. Next, Mr.  
4 Padgett?

5 **MR. PADGETT:** Hello, my name is  
6 Steve Padgett, and I'm from Norfolk, and I'm here  
7 to talk against this project. It's, it's been  
8 assumed by DEQ that these permits are going to go  
9 through for this, under extreme drilling that is  
10 necessary to complete the pipeline. That's an  
11 assumption that they are making, and they have to  
12 do it before they start construction. They are  
13 out there working now, I've got a lot of reports  
14 on that, and why is it, why is it they can go to  
15 work without the permit? Can anybody answer  
16 that? But that's, so they're talking about the  
17 great benefit of the gas, well maybe it will be a  
18 benefit, but what happens if fracked gas is ruled  
19 out, I mean many, many countries have already  
20 outlawed fracked gas, what happens if the U.S.  
21 outlaws fracked gas? Well, that's the end of the  
22 MVP project. So and that's a, that's a very real  
23 possibility and I'm certainly in favor of that,  
24 as fracking is so dangerous. And so but the DEQ  
25 cannot assume that this, this bill, or this

1 permit is going to be satisfied, this is a whole  
2 new way, a whole new process of going, of doing,  
3 doing it, so we'll see. But in the meanwhile  
4 they've got to stop construction because they  
5 could go, they could do a lot of damage if they  
6 go without this permit, do this construction  
7 without this permit, and that's really my main  
8 point, and that's why I came out here from  
9 Norfolk. So thanks for your attention.

10 **CHAIR WOOD:** Thank you.

11 **MR. BARBER:** Good evening, my name  
12 is Michael Barber, and I'm with the laborers.  
13 The Mountain Valley Pipeline team has spent more  
14 than six years working with various State and  
15 Federal agencies to develop plans that minimize  
16 the environmental impacts of the project. I  
17 truly believe that the best environmental outcome  
18 for water quality, quality of aquatic life, and  
19 landowners living near the project, to let  
20 construction continue as planned so they can be  
21 complete and restore the land as soon as  
22 possible. Thank you.

23 **CHAIR WOOD:** Thank you.

24 **MR. OGUNDE:** Good evening, Madame  
25 Chairperson, Members of the Board, my name is

1 Oludare Ogunde, you did a great job ma'am in  
2 pronouncing the name, thank you. I'm a resident  
3 of the City of Richmond, and also I'm the  
4 President of the nonprofit in the City of  
5 Richmond called Project Give Back To Community,  
6 we are partnership with the Department of  
7 Corrections to provide housing for returning  
8 citizens, and also I'm the leader/organizer for  
9 the Laborer's Union LiUNA, which is here in  
10 Richmond. I want to mention a part of this that  
11 most people don't pay attention to. What MVP is  
12 doing provides the kind of jobs that provide  
13 family sustaining wages. The average pay on that  
14 job is sixty thousand dollars and we have our  
15 returning citizens, some of whom worked on that  
16 project, so you can imagine somebody coming home  
17 after a period of rehabilitation, and getting a  
18 job that provides, you know, healthcare benefits,  
19 and provide that kind of income for them. So  
20 that's a public safety aspect of this that we  
21 don't pay attention to, you know, how this job is  
22 helping those returning citizens, so I would like  
23 you to consider that in your decision and, and  
24 lets complete what we have started. We are so  
25 far gone at ninety percent, to say no at this

1 point is the crazy law wasted, so we don't want  
2 to waste that much money and time we have spent  
3 it to come back in the sense, this far, you know,  
4 now we are only at ten percent left, so I will  
5 urge you to grant the permit, thank you.

6 **CHAIR WOOD:** Is Phillip Swaine,  
7 did we miss you?

8 **MR. SWAINE:** (No audible  
9 response.)

10 **MS. DAVENPORT:** Okay. The next  
11 five please are David Anderson, Paul Schneider,  
12 Nik Banka, Jim Shockley, and Roger Jefferson,  
13 please.

14 **MS. ANDERSON:** Chairwoman Wood,  
15 Vice President Wallace, Members of the Board,  
16 thank you very much for allowing me to speak  
17 tonight. My name is Dave Anderson, I'm a  
18 resident of Alexandria and I'm a retired Army  
19 Corps of Engineers Colonel, former Commander of  
20 both the Honolulu District and the Baltimore  
21 District of the U. S. Army Corps of Engineers. I  
22 was also the alternate Federal commission on the  
23 Susquehanna River Basin Commission, so I had to  
24 spend more of my fair share of time on your side  
25 of the table as well. Thank you for what you're

1 doing.

2 My career both during and after my  
3 military service has taken me all over the  
4 country, but I'm back home in Virginia now,  
5 focusing my time and passion on issues and topics  
6 that are important to our nation, and to  
7 Virginia. And I know this discussion around this  
8 permit has been highly charged and for very good  
9 reason, our nation's energy security is no more  
10 or less important than protecting our nation's  
11 water resources, but one need not trump the  
12 other. I've seen literally hundreds of examples  
13 of projects where both goals can be achieved.

14 As I have reviewed the permit  
15 application and the draft permit, I was struck by  
16 the nearly unprecedented lengths that the  
17 applicant is taking to truly minimize temporary  
18 and permanent impacts to State waters and to  
19 protect water quality. Not just take a look at  
20 the stream and wetland restoration plan that DEQ  
21 must approve before starting construction. The  
22 draft permit includes the preconstruction wetland  
23 and stream assessment to establish baseline, a  
24 plan for restoring vegetation, identifying all  
25 criteria for successful restoration at every

1 single site, to include contours, elevations,  
2 stream geomorphology and vegetation, at every  
3 site. And for each of those, a systemic approach  
4 to monitor and achieve success criteria while  
5 holding the developer accountable, holding them  
6 accountable to those standards via corrective  
7 action strategies, for all areas that fall short,  
8 and a supplemental compensatory mitigation  
9 strategy that addresses temporary loss of stream  
10 and wetland functions.

11                   What also jumped out at me as I  
12 reviewed the permit, draft permit was the amount  
13 of effort that the applicant must have taken to  
14 present a permit that minimizes the impacts to  
15 this very large project. I'm sure that hundreds  
16 of modifications to the project's alignment were  
17 made to finalize this hundred and sixty mile  
18 course and produce, get this, 0.39 acres of  
19 permit impacts to wetlands and sixty-three linear  
20 feet of permanent impacts to stream channels.  
21 Sixty-three linear feet on a hundred and sixty  
22 miles, and 0.39 acres is less than one-third of a  
23 football field, that's the permanent impacts  
24 we're talking about here. And a shout out, my  
25 thanks and a shout out to the DEQ staff that must

1 have worked tirelessly with the impact, with the  
2 applicant to make this so. Finally, I support  
3 this permit application for the simple reason  
4 that it's going to help make America a more  
5 energy-secure nation. Every kilowatt of power  
6 that we can produce domestically is one less  
7 kilowatt that we're going to need to rely on  
8 foreign sources. I believe this permit supports  
9 that domestic energy security in an  
10 environmentally responsible way, and thank you  
11 very much for your time this evening.

12 **CHAIR WOOD:** Thank you.

13 **MR. SCHNEIDER:** Good evening,  
14 ladies and gentlemen, my name is Paul Schneider,  
15 I'm the Director of Gas Control and Supply for  
16 Roanoke Gas, and I'm a licensed professional  
17 engineer in the Commonwealth of Virginia.  
18 Providing safe and reliable gas service to sixty-  
19 three thousand customers is the primary  
20 responsibility of Roanoke Gas. I'm here to  
21 discuss Roanoke Gas's immediate and increasing  
22 need for MVP.

23 The tool used to prepare for peak  
24 winter demand is a design day. A design day is  
25 to project the volume of gas that our customers

1 would need on the day that is zero degrees.  
2 Since MVP was first announced in 2015, Roanoke  
3 Gas has added twenty-five hundred customers and  
4 our design day has increased by 5.6 percent. We  
5 plan to add six hundred and fifty more customers  
6 next year. Roanoke Gas needed MVP in 2015, and  
7 we need it even more now. Roanoke Gas receives  
8 gas directly from the Columbia Pipeline and the  
9 East Tennessee Pipeline. MVP opponents claim  
10 these pipelines have additional firm capacity so  
11 MVP is unnecessary. These claims are false. The  
12 pipeline's own publicly available life lights  
13 show that there is no additional firm capacity  
14 available, the clear fact that MVP opponents do  
15 not mention because it does not fit their agenda.

16           Additionally, MVP opponents will  
17 claim that Roanoke Gas can obtain capacity on  
18 Columbia Gas Pipeline's WB Express project, which  
19 was completed in October of 2018 instead of MVP.  
20 The WB Express project serves another portion of  
21 the system, so this recommendation is akin to  
22 expanding the IB along Northern Virginia and  
23 expecting the traffic to improve in Roanoke.  
24 Roanoke Gas owns and operates a liquefied natural  
25 gas, or LNG plant. Our LNG plant stores gas for



1 usage during periods of high demand. We are  
2 unable to expand this plant due to permitting and  
3 engineering reasons. Roanoke Gas recently  
4 entered into a contract with an LNG trucking  
5 company enabling us to transport gas by tractor  
6 trailer from our LNG plant to high demand  
7 portions of our system. This is no substitute  
8 for MVP, rather this is an expensive stopgap  
9 measure to maintain service until MVP is  
10 completed.

11 To reiterate, Roanoke Gas uses  
12 three main sources of gas to supply our  
13 customers, all three of these sources are unable  
14 to increase the supply. These sources are not a  
15 hundred percent reliable. Much like cars and  
16 appliances, they require maintenance. The East  
17 Tennessee Pipeline experienced equipment issues  
18 during each of the last three winters, which  
19 reduced the amount of gas delivered. The weather  
20 was mild during these situations and our  
21 customers were not impacted. The successful  
22 completion of MVP is absolutely critical to the  
23 reliability of service to our customers. The U.  
24 S. has three hundred thousand miles of  
25 transmission pipeline providing gas service to

1 seventy million Americans. The gas delivered by  
2 Roanoke Gas comes from as far away as Texas,  
3 Louisiana, and Chicago. The gas offered by MVP  
4 would greatly improve the reliability for Roanoke  
5 Gas customers.

6 In summary, Roanoke Gas has  
7 exhausted all other supply options and we need  
8 MVP. We needed MVP in 2015, and we need it even  
9 more today. MVP is approximately ninety percent  
10 complete and can be finished by next summer. I  
11 kindly ask that you approve these water crossing  
12 permits so MVP can be completed. Thank you.

13 **CHAIR WOOD:** Thank you.

14 **MR. BANKA:** Good evening, Madame  
15 Chair and Members of the Board, thank you for the  
16 opportunity to comment on this important project.  
17 My comments tonight will focus on the Mountain  
18 Valley Pipeline's impact to natural gas pricing  
19 for our customers. My name is Nik Banka, and I  
20 work for Roanoke Gas Company, and I'm a Botetourt  
21 County resident. I'm the Director of Rates &  
22 Regulatory Affairs, and have been with the  
23 company for six years. Prior to this I worked at  
24 the Virginia State Corporation Commission for ten  
25 years, where I provided testimony in various

1 regulatory proceedings.

2 One of my main, one of my primary  
3 roles in my current position is to oversee the  
4 rates charged to our customers. It is important  
5 to note Roanoke Gas is a distribution utility, we  
6 do not produce gas, nor do we own long haul  
7 interstate transmission pipelines. Rather, we  
8 contract with third parties for the purchase and  
9 transportation of gas to our distribution system.  
10 While there are many opponents of the customer's  
11 bill, typically the most significant portion or  
12 approximately forty-five percent of a customer's  
13 bill is the cost associated with the purchase and  
14 transportation of natural gas. Due to available  
15 supply, reliability, and pricing consideration,  
16 Roanoke Gas sources its gas from various pricing  
17 hubs, some as far as the Gulf of Mexico and  
18 Chicago. We are able to deliver gas to Roanoke  
19 from these far regions through long haul  
20 pipelines, many of which were constructed in the  
21 nineteen fifties and sixties.

22 The completion of the Mountain  
23 Valley Pipeline is important because it will  
24 allow Roanoke Gas to source gas from the  
25 Appalachian region, which has been and is

1 expected to be lower priced gas than current  
2 sources. Pipelines that move gas from the  
3 Appalachian region to the eastern markets are  
4 approximately seventy cents cheaper per dekatherm  
5 than Henry hub, which is the industry-wide  
6 benchmark for gas pricing. The much publicized  
7 weather event that occurred this past February  
8 illustrates this. This winter storm caused cold  
9 temperatures over most of the United States. The  
10 failure of renewable electric sources, the  
11 significant increase in demand resulting from the  
12 extreme cold weather, coupled with supply issues  
13 caused gas to reach record high prices, in some  
14 cases in excess of a hundred dollars per  
15 dekatherm. The price of gas delivered to Roanoke  
16 Gas is five to twenty-one dollars per dekatherm,  
17 a seven times increase. The natural gas offered  
18 by MVP would reduce customer's exposure to the  
19 price spike and lower gas cost for Roanoke Gas  
20 customers.

21                   It is important to note that  
22 Roanoke Gas does not profit from any cost savings  
23 from lower priced natural gas. The cost to  
24 purchase and transport natural gas is a pure  
25 pass-through and recovered on a dollar for dollar

1 basis. Any savings that would result from  
2 cheaper natural gas through the MVP would be  
3 enjoyed entirely by customers.

4 My comments tonight focus on the  
5 cost savings the MVP would provide by  
6 transporting low priced gas from the Appalachian  
7 region. However, the MVP will provide many more  
8 benefits, including attracting economic  
9 development projects to the State, large tax  
10 basis for localities, and added system  
11 reliability for Roanoke Gas Company. I ask that  
12 you approve the water crossing permit so that the  
13 MVP can be completed and allow Roanoke Gas  
14 customers in the Commonwealth of Virginia to  
15 enjoy the benefits of this much needed energy  
16 project. Thank you.

17 **CHAIR WOOD:** Thank you.

18 **MR. SHOCKLEY:** Good evening, I'm  
19 Jim Shockley, Chief Operating Officer of Roanoke  
20 Gas Company. I have worked for Roanoke Gas  
21 Company for over thirty-seven years, and my  
22 career began in field construction and I have  
23 experience in selling natural gas pipe, operating  
24 construction equipment, and welding connections.  
25 I have managed large construction projects

1 similar to MVP requiring open cut trenching and  
2 boring under streams, rivers, and highways. The  
3 utility industry has utilized open cut trenching  
4 method for installing pipelines across the rivers  
5 and streams through its history.

6                   From 1950 through 1970, Roanoke  
7 Gas installed approximately sixty miles of  
8 transmission line under, including fifteen stream  
9 and river crossings, using the open cut method.  
10 Modern technology has developed trench cut  
11 methods including horizontal directional  
12 drilling, guiding, conventional boring, and  
13 micro-tunneling. Over the past several years,  
14 Roanoke Gas has successfully completed six stream  
15 crossings utilizing horizontal directional  
16 drilling. These crossings were completed in  
17 compliance with the company's annual standards  
18 and specifications program, and the general  
19 permit requirements approved by DEQ. MVP's  
20 energy requirements are more stringent to run the  
21 gas due to the steep slopes and the overall area  
22 being served. Most of this effort can be  
23 attributed to the installation, inspection, and  
24 maintenance of the temporary control measures,  
25 such as designing and building over thirty-five

1 hundred water bars, expediting environmental  
2 inspections, over eighty-five hundred inspections  
3 in 2020 alone, and expedited remediation  
4 turnaround time frames for punch list items.

5 I agree with the recently issued  
6 FERC Environmental Assessment that stated that  
7 the crossing streams with trenching technologies  
8 will not have a significant impact on the  
9 environment. MVP has conducted extensive  
10 analysis for each crossing to determine which  
11 method will be most protective of the environment  
12 and animal species involved. MVP successfully  
13 utilized horizontal directional drilling methods  
14 across the Pigg River in Franklin County with no  
15 environmental impact, as confirmed by the recent  
16 post-project environmental testing. Big Stony  
17 Creek and Little Stony Creek crossings in Giles  
18 County will be completed by guided conventional  
19 bore method. The Roanoke River crossing in  
20 Montgomery County will be completed by micro-  
21 tunneling method. Eighty-eight of the remaining  
22 MVP stream crossings in Virginia will utilize the  
23 conventional boring method, which is the most  
24 commonly used boring method in the utility  
25 industry.

1 To avoid further erosion and  
2 sediment impacts, MVP must be allowed to finish  
3 construction and complete final restoration. The  
4 Environmental impact risk from MVP has been  
5 magnified to the extended delays and work  
6 stoppages, starting and stopping work while  
7 continually replacing temporary environmental  
8 measure poses the greatest risk to water quality.  
9 Completing construction with the permit controls  
10 and mitigation measures is the best effort for  
11 the environment in maintaining water quality.  
12 MVP's plan to cross runs, streams, and under the  
13 strict water protection permit are appropriate to  
14 minimize environmental impacts from construction.  
15 I thank you for the opportunity to provide  
16 comments, and encourage you to approve the water  
17 protection permit. Thank you.

18 **MS. DAVENPORT:** Thank you. Robert  
19 Warren, Ron Searce, and I apologize if I didn't  
20 get that right, Roger Jefferson, Louise Shorter,  
21 and Jeremy Peters, please.

22 **MR. JEFFERSON:** You said Roger at  
23 the end of the last group, so do you want me to  
24 sit down and wait?

25 **MS. DAVENPORT:** No, I'm sorry.



1                   **MR. JEFFERSON:** So we're good?

2                   **MS. DAVENPORT:** I did get Roger,  
3 you're right. Yes sir, sorry about that.

4                   **MR. JEFFERSON:** All right, thanks.  
5 Madame Chair, Board Members, thank you for what  
6 you do, and thank you for having this hearing.  
7 I'm Roger Jefferson, and I'm an owner of several  
8 acres of land that was affected by the pipeline  
9 and during construction in Pittsylvania County,  
10 and I'm here tonight to ask you to approve the  
11 Virginia Water Protection permit to work on, so  
12 they can finally get this thing completed. When  
13 MVP approved, performed the horizontal  
14 directional drill under the Pigg River that came  
15 out on my property, so I guess I have as much  
16 experience dealing with the inconvenience as  
17 probably anybody with the pipeline, and I can say  
18 that they were good to work with and they  
19 restored everything back like they found it.  
20 With that said, even though it's been  
21 inconvenient, I think they were cooperative and  
22 reasonable to work with. Also appreciate the  
23 good job of the work they've done, not just to  
24 put, put it, coming out from the river, but also  
25 all the other areas that they disturbed, they put

1 back quite well. The draft permit should be  
2 approved because it will take and insure that the  
3 other pipeline continues to do those things that  
4 they need to do, and also whether the project  
5 gets completed. Pipelines aren't supposed to  
6 take forever to build, this one has taken a lot  
7 longer, I think than anyone could expect, but the  
8 work is almost done, so it's time to see this  
9 thing come to a finish sooner rather than later.  
10 And I would like to thank you all very much,  
11 please approve the permit. Thank you.

12 **MR. WARREN:** Good evening, and  
13 thank you for the opportunity to speak. I'm Bob  
14 Warren, Chairman of the Pittsylvania County Board  
15 of Supervisors. I was elected in 2015, a year  
16 after the MVP project was announced. For the  
17 past six years I have listened to constituents  
18 who have advocated for the pipeline, opposed the  
19 pipeline, praised the pipeline, complained about  
20 the pipeline.

21 The reality here is that nobody  
22 likes the inconvenience of construction, but the  
23 pipeline is important and it is clearly needed.  
24 Last winter's storm showed that. If the MVP had  
25 been in service, Roanoke Gas Company would have

1 had the supply it needed at a cost that its  
2 consumers would have appreciated. Instead,  
3 because of the supply constraints and the nature  
4 of supply and demand, Roanoke Gas customers are  
5 going to be paying more for two years for the  
6 natural gas they needed to stay warm. The MVP  
7 project will bring more affordable natural gas to  
8 the region and businesses, especially large  
9 manufacturers demand access to that fuel source.

10 The project will be a significant  
11 benefit to taxpayers of our county, but all those  
12 benefits of the project require that it be in  
13 service. We need this in order to continue to  
14 have economic development, public safety, and to  
15 increase equality of education within our county.  
16 The Virginia Water Protection permit needs to be  
17 approved, we need that permit to be approved for  
18 Mountain Valley to finish construction and get  
19 this pipeline into operation.

20 I think it's important for us to  
21 remember that so much of this project is already  
22 complete, and the entire thing has already been  
23 reviewed and analyzed, and evaluated at length.  
24 Mountain Valley has done open cut crossings, and  
25 they have done boring, and they have done them

1 successfully. The Virginia Water Protection  
2 permit is the prudent way to insure the project  
3 team continues that success, and that they can  
4 finish the remaining water crossings, revegetate  
5 the right of way, pack up and move into an  
6 operational phase instead of a construction  
7 phase.

8 Thank you again for the  
9 opportunity to provide our comments tonight, and  
10 please approve this permit, and thank you so much  
11 for the entire Board for your service, I know how  
12 difficult that job is at times. Thank you.

13 **CHAIR WOOD:** Thank you.

14 **MR. SCEARCE:** Good evening, and  
15 thank you for holding this public hearing. I'm  
16 Ron Scearce and I serve as Vice Chairman of the  
17 Board of Supervisors in Pittsylvania County. The  
18 draft Virginia Water Protection permit for the  
19 MVP deserves approval.

20 Most of the people I talk to about  
21 this project want it completed and they want the  
22 work finished as quickly as possible. The delays  
23 and expert reviews have taken a toll on  
24 landowners and especially farmers, and it is past  
25 time to approve this because I have to finish up

1 this work. The project team has already crossed  
2 many streams and wetlands successfully before the  
3 permitting issues arose. I appreciate all of  
4 Mountain Valley's efforts to be engaged to our  
5 community and to support community activities and  
6 groups. The company has been very visible in  
7 communicating about its work and developing  
8 relationships across our county. When  
9 construction was in full swing, the county and  
10 local businesses received the benefit of that  
11 work, however, the project will reach its full  
12 potential as an asset to the community once it  
13 starts operating. Pittsylvania County will  
14 receive 1.8 million in annual tax revenue from  
15 the MVP, the county will have an additional  
16 supply source for natural gas, which is  
17 affordable and cleaner, and a critical component  
18 in our efforts to recruit, and entertain  
19 industry. Completion of the MVP will also allow  
20 the work to begin on the Southgate project, which  
21 will run through our Southern Virginia mega-site  
22 at Berry Hill.

23 The Mountain Valley pipeline needs  
24 this permit in order for us to realize all these  
25 benefits. The project clearly meets the

1 requirements for the Virginia Water Protection  
2 permit and the permit should be approved. Thank  
3 you.

4 **CHAIR WOOD:** Thank you.

5 **MS. SHORTER:** Good evening, Madame  
6 Chair and Board, my name is Lisa Shorter.

7 **CHAIR WOOD:** You want to pull the  
8 mic down a little bit?

9 **MS. SHORTER:** My name is Lisa  
10 Shorter and I live and own property in  
11 Pittsylvania County. I am here tonight to ask  
12 the Board to approve the Virginia Water  
13 Protection permit. The permit is the best path  
14 for us as Virginians and as residents to make  
15 sure Virginia plays a role in protecting our  
16 streams and our rivers during the MVP  
17 construction. This construction process has  
18 been, yes, an inconvenience to many people that I  
19 know who live around me, there has also been a  
20 very divisive topic in my community. The truth  
21 is that the work is almost complete. The Federal  
22 Energy Regulatory Commission extended the  
23 certificate of public convenience and necessity,  
24 and MVP has regained nearly all of its permits,  
25 crews have worked diligently all summer laying

1 more pipe in the upland areas and restoring the  
2 right of ways. By not approving this permit the  
3 Board would risk prolonged construction and even  
4 more inconvenience to landowners and we really  
5 shouldn't have to endure any more of this.  
6 Please I ask again to consider approving the  
7 Virginia Water Protection permit. Thank you for  
8 your time.

9 **CHAIR WOOD:** Thank you.

10 **MR. PETERS:** My name is Jeremy  
11 Peters, and I'm a lifelong Virginia resident and  
12 I'm a construction worker on the MVP. I'm a  
13 welder with MVP actually. I have worked on the  
14 project 2018, '19, '20, and now all this year in  
15 '21. I have never worked on a project of this  
16 size, with as many environmental controls and  
17 ECD's as the contractor has. They have went  
18 above and beyond what is required, and the only  
19 damage, or the most damage to the environment has  
20 been from not completing the project as of the  
21 date. We should have been done in 2019. I'm a  
22 member of Pipeliner's Local 798 in Tulsa,  
23 Oklahoma, and that's all we do is build  
24 pipelines, whether its cross-country mainline,  
25 and maintenance, or anything to deal with that,

1 and all we want to do is finish this pipeline.  
2 And it's a good trade, good wages, great  
3 benefits, and that's all we want is to help it  
4 get done in the safest manner possible and for  
5 these people, all these landowners to get their  
6 lives back and everybody go about their merry  
7 way. It's American infrastructure, built by  
8 Americans, for Americans, people working together  
9 to help each other out, and in this day and time,  
10 with things like they are, what's wrong with  
11 that? I'd just like to support the MVP, and I'd  
12 like for you all to do the same thing. Thank  
13 you.

14 **MS. DAVENPORT:** Thank you. David  
15 Smitherman, Cline Brubaker, David Butterworth,  
16 Billy Newcomb, and Joshua Vana, please?

17 **MR. SMITHERMAN:** Good evening, I'm  
18 David Smitherman, and I'm the Pittsylvania County  
19 administrator, and it's my privilege to speak  
20 with you this evening. When I was hired by  
21 Pittsylvania County in 2016, the Mountain Valley  
22 Pipeline had already been the subject of  
23 regulatory review for two years. In 2017, the  
24 FERC approved the project certificate. In 2018,  
25 the project had every approval in hand and



1 started construction. Three years later, the  
2 project still remains unfinished. We built our  
3 financial forecast in Pittsylvania County around  
4 a timely completion of the project, and we have  
5 been financially disrupted because of the delay.  
6 The disruption to county residents, particularly  
7 those living along the right of way, has been  
8 tremendous. The delay in receiving the economic  
9 benefits from the pipeline has hurt our county  
10 financially. The Virginia Water Protection  
11 permit before you is a thorough and appropriate.  
12 It should be approved, it offers the best and  
13 most responsible path forward for not only our  
14 community, but for the Commonwealth, and the  
15 environment.

16 I want you to know that the  
17 Mountain Valley Pipeline team has been  
18 cooperative with our county and our community,  
19 they're good to work with, they have supported  
20 our community and have maintained clear  
21 communication with all involved. Crews have been  
22 diligent in maintaining the right of way, and  
23 they have tried their best to minimize  
24 disruptions, however, the regulatory and legal  
25 delays have been a significant inconvenience and

1 disruption. We need this project to be completed  
2 soon. Pittsylvania County has been home to  
3 natural gas pipelines for generations, we are  
4 used to them. They bring economic benefits and  
5 the MVP, the new pipeline's benefits are real.  
6 The project will be a significant taxpayer once  
7 it enters operation, and the nearly two million  
8 dollars of tax revenue that the county stands to  
9 receive will greatly help our citizens. I  
10 appreciate the opportunity to speak to you  
11 tonight, thank you very much.

12 **CHAIR WOOD:** Thank you.

13 **MR. BRUBAKER:** Madame Chairman and  
14 Board Members, I'm Cline Brubaker, I'm a lifelong  
15 resident here in Franklin County. I served eight  
16 years as the Supervisor of Franklin County, four  
17 years of which I was the Chairperson. I don't  
18 represent the Board of Supervisors tonight, and  
19 you know that, I represent myself, and many  
20 farmers. Like I say, I've been a lifelong dairy  
21 farmer. We need to finish this pipeline. We  
22 need natural gas. As a member of that Board of  
23 Supervisors, while I was on that Board, Franklin  
24 County purchased five hundred and fifty acres for  
25 Summit View Business Park, which is now ongoing.

1 We have three businesses, two of which are  
2 already built, another one is going to locate, we  
3 know.

4                   Before I started as a supervisor,  
5 our county administrator at that time told me  
6 that they had inquiries about locating their  
7 business in Franklin County. They found out  
8 there was no natural gas here, and that was the  
9 last we heard of them. Today, they don't even  
10 have to inquire. I know that Roanoke Gas, there  
11 are sixty thousand customers in the Roanoke area  
12 on natural gas, eight thousand are businesses,  
13 and we don't have natural gas. At capacity, the  
14 business park would employ approximately twenty-  
15 two hundred people, it's important to us to keep  
16 our young people at home, and I appeal to you to  
17 let progress happen in the dairy business, we  
18 always knew you're either making progress or you  
19 are being left behind. I don't want Franklin  
20 County to be left behind, I appeal to you to help  
21 Franklin County move forward and help our  
22 farmers. Thank you.

23                   **MR. BUTTERWORTH:** Thank you for  
24 the opportunity to speak, my name is David  
25 Butterworth, I'm employed as a business agent for

1 Pipeliner's Local Union 798. I represent  
2 approximately seven thousand, one hundred and  
3 fifty-three welders, helpers, and journeyman who  
4 build pipelines in the United States. Throughout  
5 the Mountain Valley permitting process, I have  
6 made every effort to make sure that my membership  
7 has a voice. It's my job to procure work for the  
8 membership of Local 798, and I will attempt to do  
9 that once again this evening. I would like to  
10 begin telling you a little bit about what we do.

11 Local 798 pipeline welders follow  
12 some of the strictest guidelines in the entire  
13 construction industry. Every time a welder goes  
14 to a job, they take a welding test before they  
15 are employed on the project, this involves making  
16 a weld that is cut apart and checked for  
17 deficiencies. If any imperfections are  
18 discovered, the welder is not allowed to work on  
19 the project. If the member is successful with  
20 the test, every weld they make on the job is  
21 inspected by x-ray, or ultrasonic testing to  
22 determine whether the weld stands up to the  
23 American Petroleum Institute's API-1104 code. On  
24 most projects, if a welder has three rejected  
25 welds, he or she will be terminated. We welcome

1 these standards because we realize the public's  
2 safety depends on us. We also acknowledge the  
3 need to stay up to date with the ever-changing  
4 metallurgical procedures the gas companies put in  
5 place to make sure the pipelines are welded  
6 properly.

7                                   Local 798 has a fifty thousand  
8 square foot training center with fifty-two  
9 welding booths so members can brush up and stay  
10 current on the latest welding procedures. We  
11 currently have ninety-two Local 798 members  
12 living in Virginia while working on this project.  
13 Jobs like Mountain Valley allow the membership to  
14 feed their families and to have a decent life.  
15 The workers make a good wage and they spend their  
16 money locally in the communities where they work.  
17 Many pipeline opponents contend that these are  
18 temporary jobs and they are not of any economic  
19 benefit, I dispute that because I worked for  
20 seventeen years on jobs like the Mountain Valley  
21 and was steadily employed the whole time. There  
22 is a current race to net zero emissions in our  
23 country, I'm in full support of that, but the  
24 sprint to net zero will come with consequences if  
25 we go too fast.

1 In April '21 the, April 2021, the  
2 Columbia University centered on global energy  
3 policy, released the report that shows future  
4 continued use of natural gas for at least the  
5 next thirty years, and that there is no quick  
6 replacement for gas in the U. S. energy mix. New  
7 strategies like carbon capture and hydrogen  
8 injection must be developed to reduce emissions,  
9 while the continued use of gas is necessary to  
10 maintain our existing quality of life. EQT  
11 recently announced in the Wall Street Journal  
12 article by Colin Eden that they plan to spend  
13 twenty million dollars over the next few years to  
14 replace leaky pneumatic devices, and they expect  
15 that will cut eighty percent of the company's  
16 methane emissions.

17 In closing, I have shown what  
18 Local 798 provides to building infrastructure in  
19 our country, and that we must find a balance to  
20 maintain our quality of life, while protecting  
21 the environment when the infrastructure is built  
22 out. Mountain Valley is following the guidelines  
23 and working with the State and Federal agencies  
24 to the best of their ability, because of that I  
25 ask for approval of the permit. Thank you.

1                   **CHAIR WOOD:** Thank you.

2                   **MR. NEWCOMB:** Good evening, my  
3 name is Billy Newcomb, I'm a senior  
4 hydrogeologist with Draper & Associates, we're a  
5 private environmental and engineering consulting  
6 firm. I've got thirty years of experience in  
7 hydrogeology, with private sector and municipal  
8 government as our clientele. I'm also a  
9 Registered Professional Geologist in Virginia.  
10 From that introduction, I would like to just  
11 address two points very briefly this evening.

12                                 Firstly, all large infrastructure  
13 projects in the U. S. have been relying on the  
14 Army Corps for general permitting process. DEQ  
15 back in 2017 elevated that by requiring the  
16 upland certification. So this is resulting in  
17 probably the most stringent comprehensive erosion  
18 and sediment control processes of really any  
19 major infrastructure project probably that's been  
20 constructed to date in Virginia. It's all  
21 maintaining a goal of environmentally responsible  
22 domestic energy transmission and distribution,  
23 which is a good thing.

24                                 I want to also point out that DEQ  
25 has reviewed specifically all of the proposed

1 crossings that MVP has presented, and to date MVP  
2 has successfully completed over fifty crossings  
3 with no incidents, so we feel like we're in a  
4 good momentum in that point. Another area of  
5 expertise that I have is in karst terrain  
6 hydrogeology. So karst is a term for a landform  
7 that's underlain by a certain kind of bedrock  
8 that dissolves when rainwater encounters it, and  
9 you see that manifested at the surface with  
10 things like sinkholes and caves, and that sort of  
11 thing. I know back in 2017 at the first  
12 discussions and approval of 401, there were a lot  
13 of dire stories being presented, that you  
14 couldn't build anything on karst. Over the last  
15 three years, I think MVP has demonstrated that  
16 they in fact can do that in karst, and if you  
17 look at it from a broader perspective, karst  
18 terrain extends in Virginia all the way from the  
19 southwestern part up through the Roanoke Valley,  
20 and all the way up into the Shenandoah Valley  
21 into the northern parts of Virginia. And as you  
22 can imagine, there are scores and scores of  
23 infrastructure projects that have been  
24 successfully built and operated on karst terrain.

25 In conclusion, I think the 401



1 approval process should not be looked at as a, as  
2 a referendum on natural gas issues or any other  
3 ancillary, it's a, you know, it's a design  
4 process for regulatory oversight for the most  
5 efficient and effective and responsible means of  
6 creating this project through those crossings.  
7 DEQ has done an exemplary job putting these  
8 things together, it is a tough permit process,  
9 but it's also very fair. I think most  
10 importantly to the draft permit is based on sound  
11 science and also fact-based, it's not emotional  
12 hyperbole that we're dealing with. But I see my  
13 time is just about up. I think the best  
14 environmental impact, or outcome would be to  
15 approve this process and get this line in the  
16 ground. Thank you all.

17 **CHAIR WOOD:** Thank you.

18 **MR. VANA:** Hi, my name is Joshua  
19 Vana, from Albemarle County, Virginia. It's a  
20 shame we've got to deal with all this emotional  
21 hyperbole, you know, the kind of which the  
22 gentlemen in front of me stands to make a lot of  
23 money, and his firm stands to make a lot of money  
24 if this is completed. When we went through this  
25 process of the 401 first water quality

1 certification in 2017, the coalition groups water  
2 quality experts, frontline communities, who stood  
3 to lose everything, told you, told this Board and  
4 the DEQ what was going to happen. And pretty  
5 much all of those things have happened. People  
6 have lost their farms, lost their businesses, not  
7 an awful lot of them are here tonight. Friends  
8 of mine, Carolyn Riley, Carolyn's folks, Betty  
9 Werner and Dave Werner, all their kids, they have  
10 a farm called Four Corners Farm, just down the  
11 road here in Franklin County. And what  
12 construction of the MVP did to their farm was  
13 turn the bottom pastureland into a damn lake.  
14 And they lost their farm, and they had to leave.  
15 So for all the people here who are here for those  
16 good local jobs, who came all the way from  
17 Louisiana, Ohio, Indiana, all sorts of other  
18 places, I'd like you to consider that, you know,  
19 some things come at a cost, some folks have lost  
20 everything, and moved their family of three  
21 generations up here to simply have a farm.

22                   It's my understanding, reading  
23 before this meeting that the Board has supposedly  
24 issued a, the Board has made a preliminary  
25 decision is the language of the DEQ, can anyone

1 answer that for me? How, that, according to a  
2 piece by John Sokolove who filed for a FOIA  
3 request or two, this was told to him that the  
4 Board has made a preliminary decision to approve  
5 this draft permit. Has the Board met on this  
6 draft permit to talk about it? Can the Board be  
7 spoken for by the DEQ, because that's DEQ is  
8 saying now. Can anyone answer those questions?

9 **CHAIR WOOD:** I think we said at  
10 the beginning we're not answering questions  
11 tonight, we're just taking comment.

12 **MR. VANA:** I see, I see. Well, I  
13 hope that the individual Board Members take the  
14 time to actually read through the comments  
15 instead of settling for DEQ's response to  
16 comments. Lastly, commerce, to the Board,  
17 commerce is not your job. Your job is to  
18 represent citizens and protect water quality.  
19 And the results of the last certification that  
20 was issued is the Mountain Valley Pipeline  
21 violated the conditions of the certification  
22 hundreds of times, and that's just the ones that,  
23 that DEQ and the pipeline could agree on. There  
24 have been more. There have been more, they got  
25 fined 2.15 million dollars by the, the State

1 Attorney General, okay? If you want to know  
2 what's going to happen if you issue this, just,  
3 just look back a couple of years, because  
4 everything that we said was going to happen has  
5 happened, and it's going to happen again. And I  
6 understand that one definition of insanity...

7 **CHAIR WOOD:** Mr. Vana, I need you  
8 to wrap it up, please.

9 **MR. VANA:** ... is, is doing the  
10 same thing over and over again and expecting  
11 different results.

12 **MS. DAVENPORT:** May I please call  
13 up Bob Camicia, John Golden, Joyce Waugh, Alec,  
14 and I apologize Alec, I cannot make out your last  
15 name, your email starts with the number fifty-  
16 nine. And Gordon Smith, please.

17 **MR. CAMACIA:** Good evening, Madame  
18 Chairman and the Board, thank you for giving me  
19 the opportunity to speak. My name is Bob Camacia  
20 and I live at 143 Charlotte Lane, Hardy, in  
21 Franklin County. I'm a former member and Vice  
22 Chairman of the Franklin County Board of  
23 Supervisors, and I'm here to express my own  
24 support for the draft Virginia Water Protection  
25 permit for Mountain Valley. In 2014, many of us

1 in the community and on the Board were working to  
2 bring economic development efforts to bear here  
3 in Franklin County. When MVP was announced, it  
4 fit perfectly because our counselors from outside  
5 the county and everyone else, businesses were  
6 telling us that we had to have natural gas, and  
7 we did not have it. And we were not going to get  
8 it. So but, despite that euphoria, I'm sitting  
9 here amazed today that seven years later, for  
10 whatever the reasons, we still have not gotten  
11 that service and that project completed. This  
12 pipeline is critical infrastructure, and we need  
13 it for the service of the county, the people in  
14 the county, and for all of the businesses that we  
15 hope to bring into the county.

16                   When I was on the Board and when I  
17 left, I heard many stories about the problems  
18 associated with not having gas here in the  
19 county. MVP was a game changer, it is a game  
20 changer, it has changed the game to where we  
21 would have gas, hopefully, and we will have tax  
22 revenues, we will have jobs, to be able to bring  
23 in businesses, we will have jobs. And we could  
24 lower or at least keep moderating the people's  
25 tax bills that are in the county. The MVP crews

1 have shown the ability to build the pipeline, yes  
2 there were problems when it began, but today they  
3 have completed all but five miles of pipeline in  
4 Franklin County, and that includes the crossings.  
5 All but five miles. We need to get that last  
6 five miles and those crossings completed.  
7 Mountain Valley's plans and the draft permit that  
8 you have put together should allow us and  
9 Mountain Valley to proceed forward, it gives an  
10 ability to hold Mountain Valley responsible for  
11 what they do, and it gives the public the ability  
12 to insure that, you know, we indeed are going to  
13 have both a good pipeline, a good environmental  
14 outcome from all of this, and a nice future.  
15 Please move forward with supporting the, move  
16 forward with approving the permit. Thank you.

17 **MR. GOLDEN:** Good evening, Madame  
18 Chair and the Board. My name is John Golden and  
19 I'm just a resident here in Franklin County, but  
20 I need to emphasize something, if you start a  
21 job, you better finish it. You would cause more  
22 harm by not finishing it. I'm in favor of the  
23 Mountain Valley Pipeline permit for three  
24 reasons, people, property, and the environment.  
25 The people you've heard from, you've heard from

1 Delegate Poindexter, the politician, the  
2 scientist, they all emphasize one thing, the  
3 longer the delay the more the harm. One  
4 gentleman spoke of a family losing their farm.  
5 If you delay longer more harm will cause both  
6 people. The property itself, the landowners,  
7 they're farmers, they have to have their property  
8 back. Take a simple drive, or better yet, fly  
9 over the pipeline, finish what they started,  
10 allow Mountain Valley Pipeline their permit, and  
11 the environment will improve otherwise. Make  
12 Mountain Valley Pipeline responsible, and they  
13 will improve. Thank you.

14 **CHAIR WOOD:** Thank you.

15 **MS. WAUGH:** Good evening, and  
16 thank you Chairman Wood, Members of the Board,  
17 and DEQ staff for being here tonight. I'm Joyce  
18 Waugh, President and CEO of the Roanoke Regional  
19 Chamber of Commerce. I thank you for the  
20 opportunity to provide comments in support of the  
21 draft Virginia Water Protection permit for  
22 Mountain Valley Pipeline.

23 As you may know, the Roanoke  
24 Regional Chamber supports the Mountain Valley  
25 Pipeline project because it meets a need and

1 provides economic benefit in our region. The  
2 additional access to natural gas will help meet  
3 existing and future business demands. Outdoor  
4 recreational activities involving the Roanoke  
5 River and many of our region's other natural  
6 resources derive a significant portion of our  
7 economy. The Chamber believes it is possible to  
8 be both a good steward of those resources, but  
9 also creating conditions that promote economic  
10 growth and maintain quality of life for our  
11 region.

12 To that end, it is the Chamber's  
13 position that the draft permit will insure water  
14 quality will be protected during the final phase  
15 of construction for the MVP project. We  
16 understand State and Federal regulatory processes  
17 have provided adequate protection for water  
18 resources across Virginia for many infrastructure  
19 projects, including water and sewer pipelines.  
20 For a very big project, there is no reason to  
21 believe that the MVP project should be treated or  
22 viewed differently from other projects that were  
23 safely built. As I recall, the Western Virginia  
24 Water Authority has previously constructed a  
25 pipeline of larger diameter than the MVP



1 project's forty-two inches, and that the Water  
2 Authority's project crossed the Roanoke River  
3 multiple times by way of an open cut with no  
4 significant long term impact. The MVP has  
5 projected to use a trenchless method to cross  
6 under the Roanoke River.

7 I believe that we all want the  
8 Mountain Valley Pipeline to be built in a manner  
9 that respects and protects our natural resources,  
10 especially the streams, rivers, and wetlands  
11 throughout the Roanoke River watershed. The  
12 Virginia Water Protection permit and other  
13 requirements appropriately balance the need for  
14 critical natural gas infrastructure, and the  
15 protection of waterways. Additional conditions  
16 required by DEQ also insure a significant level  
17 of review, enforcement, and accountability  
18 throughout the construction and operation of this  
19 infrastructure project. For these reasons, we  
20 continue to support the construction and  
21 operation of the MVP project. Thank you so much  
22 for your consideration.

23 **CHAIR WOOD:** Thank you.

24 **MR. RHUDY:** Thank you, Chairlady  
25 Wood, and all the Board Members. I know you have

1 a hard job, I appreciate your service. My name  
2 is Alec Rhudy, and I own property here in  
3 Franklin County, over in the Calloway section,  
4 and Mountain Valley Pipeline crossed my property,  
5 and they actually installed a pipe in the spring  
6 of 2018 on my land. And the pipeline has been  
7 left bare and naked ever since then, and there's  
8 tremendous erosion happening every day. I'm  
9 right on the head of the Blackwater River, if you  
10 follow the Blackwater Creek where I am because  
11 you can just, on those separate crossings there's  
12 a lot of sediment that's washing down the  
13 mountainside, because my property lays on the  
14 side of Hayes Mountain, which is the steepest  
15 place in Franklin County. And I, I was, I worked  
16 with Precision Pipeline Company when they  
17 installed the pipe, and they did a great job,  
18 there was no problems, they were willing to work  
19 with me in every way feasible.

20 I have found out since then that  
21 dealing with Coates Seals Service, who is in  
22 charge of kind of the day to day things that go  
23 on, on a pipeline now, that they have been very  
24 difficult to work with, and I found that the DEQ  
25 has done a very poor job of inspecting the

1 property, and the damage that's occurred on my  
2 land. And you know, I have tried to work with  
3 them in every way, I had a road that went up the  
4 mountain and I made an agreement with Mountain  
5 Valley and actually moved my road off of the  
6 pipeline's right of way. And now that road has  
7 been completely washed away by these huge water  
8 bores across the pipeline. And these big sumps  
9 at the end, it's a pond, and they overflow every  
10 time it rains, and they have totally destroyed my  
11 road.

12 I think there's more damage that's  
13 occurred during this delay than would ever have  
14 occurred if they had gone ahead and never  
15 stopped, and finished the pipeline. And I hope  
16 that if this permit is approved, that there will  
17 be much better regulation of what goes on, on the  
18 job, out there in the field, where it's  
19 inspecting the property owners. And I thank you  
20 for hearing my voice.

21 **MR. SMITH:** Hello, my name is  
22 Gordon Smith. I want to thank you for the chance  
23 to speak tonight. I'm in favor of the Mountain  
24 Valley Pipeline draft permit. The project is  
25 very important to Franklin County as it will give

1 access to natural gas, improve the chances of  
2 large employers at the Summit View Business Park,  
3 generate tax revenue, and hopefully help with  
4 keeping real estate taxes at bay. The permit  
5 contains much more protections than other large  
6 construction projects, there are many safeguards  
7 built into the draft permit, including stream  
8 maintenance and large number of inspections. MVP  
9 has already crossed many streams and creeks  
10 without any issues. Based on the draft permit, I  
11 don't see any reason to deny it. Thank you.

12 **MS. DAVENPORT:** The next five are  
13 Connie Smith, Anthony Scimeca, again I apologize,  
14 Fallon Simmons, Jerry Connor, and Brian O'Connor.

15 **MS. SMITH:** I'm Connie Smith, and  
16 I would like to thank you for having this  
17 opportunity to speak to the Board. As a person  
18 who loves the outdoors and has done a lot of  
19 hiking, I feel that MVP has taken some  
20 extraordinary steps to conserve the land that the  
21 pipeline runs through.

22 In 2018, MVP paid 27.5 million on  
23 environmental groups like Virginia Outdoors  
24 Foundation and Virginia Environmental Endowment,  
25 to provide land for conservation purposes. Three

1 of those are the eight hundred and twenty acre  
2 Chestnut Ridge Project, the five hundred thirty-  
3 three acre Rush Mountain Project, and the two  
4 hundred and seventy-nine acre Poor Mountain  
5 acquisition in Roanoke. August 17th, 2020, MVP  
6 spent another 19.5 million to the Appalachian  
7 Conservancy to buy additional land around the ET  
8 for protection and to support outdoor  
9 recreational economies in Virginia and West  
10 Virginia.

11 I read a small article that I  
12 would like to quote from Bloomberg article, July  
13 12th, 2021: Today's announcement represents our  
14 team's latest effort to reduce industry methane  
15 emissions and achieve our corporate goal of net  
16 zero carbon by 2050. Once MVP is placed in  
17 service, Mountain Valley expects to purchase more  
18 than a hundred and fifty million dollars of  
19 carbon offsets during its initial two years of  
20 operation. Through an agreement with the  
21 subsidiary of Net Era Energy Resources, the  
22 world's largest generator of renewable energy  
23 from the wind and sun, these carbon offsets will  
24 be sourced through methane abatement project in  
25 Virginia that is expected to be the largest

1 operating coal mine methane abatement project in  
2 the world when it reaches full production in  
3 2023. I know there are strong feelings on both  
4 sides of this issue, and there is definitely some  
5 impressive benefits that would need to offset the  
6 impact of this project. I feel it should be  
7 approved. Thank you.

8 **CHAIR WOOD:** Thank you.

9 **MR. SCIMECA:** All right, hello, so  
10 my name is Anthony Scimeca, I'm also a local  
11 resident that lives down the road in Moneta. The  
12 Mountain Valley Pipeline has been under  
13 construction in Franklin County now for three  
14 years. Fortunately, the project is more than  
15 ninety percent complete, and just needs to turn  
16 up to be able to finish work. Franklin County  
17 has quite a bit of mountainous areas along the  
18 pipeline route, constructing in these areas is  
19 tough. I'm amazed at how well MVP has been able  
20 to construct the pipeline along these mountainous  
21 areas. These mountainous areas have a number of  
22 small streams, many of which only have running  
23 water after rain events.

24 As I see the pipeline being  
25 constructed in these areas, I can imagine that

1 trying to contain the rainwater from storms is  
2 extremely difficult. The stormwater protections  
3 were never meant to contain all the water on the  
4 rights of way, they are meant to be short term  
5 protections during active construction. As all  
6 the delays took place, and the lawsuits, this is  
7 what is actually hurting our rivers and streams.  
8 Regarding the Water Quality draft permit, I was  
9 pleased to learn that the new plan for includes  
10 more of the boring under the crossings, that  
11 should provide better protection for fish and  
12 water quality. For these reasons, I hope you  
13 support the draft permit and let this project  
14 move forward to completion. Thank you.

15 **CHAIR WOOD:** Thank you.

16 **MS. SIMMONS:** Hi, my name is  
17 Fallon Simmons, thank you for letting me speak.  
18 I am not very good at speaking in front of  
19 people, so I'm going to keep this short and  
20 sweet. You know, I live in Moneta and as we  
21 heard, it has affected people on both sides, but  
22 considering its ninety percent finished, delays  
23 are just going to make it worse, so by approving  
24 this permit we can go ahead and get it finished  
25 and let people get back to their lives. Thank

1 you.

2 **MR. CONNOR:** Jerry Connor,  
3 operating engineer, I am the President of the  
4 Operating Engineers, and what we do is what you  
5 all see here. Everybody that has been up here so  
6 far has touched on advancement of the industries  
7 and everything, the one guy said that the  
8 mountain is coming apart when he had heavy rains,  
9 we just saw five inches of rain here the other  
10 day. The 128 exit over here off of 81 is a  
11 pretty steep little grade right there.

12 The gentleman that spoke about the  
13 water coming so fast, we've had to make five foot  
14 water breaks to keep that mountain together. It  
15 would be, it would be good for everyone concerned  
16 if we would go on and finish this thing out. The  
17 transporting of materials and liquids, okay.

18 The one guy was saying hey, what  
19 if fracking goes away? That's a good question.  
20 What if fracking goes away? Well, this line can  
21 be used for other things, so there's a website  
22 that you should go before you make your decision,  
23 it's called The Big Inch, and where well one,  
24 this pipeline paid a very important thing, so  
25 what we doing tonight is saying hey, we've found



1 this happy medium between what some folks  
2 consider out of the way, and what the advancement  
3 really needs. You've got Virginia Tech over here  
4 that's already looking to do away with fossil  
5 fuels and go to natural gas. You've got the  
6 Radford Arsenal, that's surely a big hit right  
7 there, and they're looking to do away with that  
8 as well.

9 Our infrastructure is falling  
10 apart, and that's what the operating engineers  
11 does, we put the Pentagon back together, we did  
12 the World Trade Center, we are a solid person in  
13 this. If this is truly needed, we've got the  
14 best team to put this stuff in the ground, but  
15 they keep getting hamstrung.

16 This is the most expensive  
17 pipeline, I've been in this now forty-two years,  
18 this is the most expensive pipeline. And then on  
19 top of that, the rattlesnakes, they are beautiful  
20 up here, you've got so many things with the Covid  
21 that we're dealing with, and, and my guys are  
22 just getting beat down, and they do this all the  
23 time.

24 So the routine maintenance, that  
25 is the key to it, it's just like your automobile,

1 if that automobile breaks down, you're dead in  
2 the water, so you've got a good mechanic. Well,  
3 we train in Crosby, Texas, we have a big facility  
4 that we train two hundred and twenty-five  
5 students at a time, and we put them through the  
6 mill. And we have guys that we ask to hang off  
7 of a one inch cable, so if you can imagine three  
8 or four pieces of equipment holding you as you  
9 are down here trying to dig this thing, it's a  
10 real joy to do this kind of stuff. But we have a  
11 unique bunch of fellows that are highly trained,  
12 and I don't want to lose them, I mean, every time  
13 they stop this thing, then say we're going to  
14 start again, you know, it's hard to get  
15 professionals to stay out here when you're, when  
16 you're having a tough time, so please, I know you  
17 all will do the right thing. We open cut the  
18 Shenandoah River a couple of years ago,  
19 beautiful, we did the Pigg River with that bore,  
20 you all can inspect them, and thank you for your  
21 time.

22 **CHAIR WOOD:** Thank you.

23 **MR. O'CONNOR:** Yeah, my name is  
24 Brian O'Connor, and I'm not a politician, I'm not  
25 an elected official, I'm not an engineer, and

1 certainly not a geologist. I'm a retired small  
2 business owner. And listening to Delegate  
3 Poindexter and former Delegate Saxman, I realized  
4 as a small business owner how important this  
5 pipeline is to the community, to the county, to  
6 the Commonwealth, and to our country, and I think  
7 it's very important that we approve it. And I  
8 look out here at all these wonderful guys wearing  
9 caps, these hard working individuals who have  
10 probably been working and came here and want to  
11 continue working to make a good wage for their  
12 family. And we need to continue these guys to  
13 keep working and generate more jobs for our  
14 children and grandchildren, so I urge you to  
15 support and pass the permit. Thank you.

16 **MS. DAVENPORT:** Joyce Beavers, Jim  
17 Beavers, Tommy Bowlin or Bowles, Paul McCormack,  
18 and Rod Middleton, please.

19 **MS. BEAVERS:** Hello, my name is  
20 Joyce Beavers, and I reside in Moneta, and I  
21 personally think the status over the Mountain  
22 Valley Pipeline has gone on for too long. While  
23 there has been a loud and vocal minority of  
24 people opposed to the project, the vast majority  
25 of local people want this pipeline to be built.

1 It's not just a pipeline providing natural gas,  
2 but a pipeline providing jobs and economic  
3 opportunity. Franklin County does not have any  
4 access to the natural gas right now, this means  
5 that every citizen is paying more for their  
6 energy bills. It also means that we can't  
7 attract many businesses that demand natural gas  
8 to power their operations. This company has been  
9 building this pipeline now for three and a half  
10 years, but since that time there have been very  
11 few issues of concern, and they appear to be  
12 doing an excellent job. Please follow the expert  
13 advice from your staff and issue this permit.  
14 Thank you very much.

15 **CHAIR WOOD:** Thank you.

16 **MR BEAVERS:** Good evening, my name  
17 is Jim Beavers, I'm as lifelong resident of this  
18 area. I too served in the military, went  
19 overseas, lived in third world countries, and the  
20 United States is not a third world county. I  
21 support the pipeline, I support the growth we  
22 need to keep our energy independence, and natural  
23 gas is a good way to do this. If you take a look  
24 back in 1962/63, I grew up here on Smith Mountain  
25 Lake and watched this lake fill. Look at the

1 economic impact it had on Franklin County,  
2 Bedford County, and all the surrounding counties,  
3 not to mention the power that's generated by the  
4 dam. The natural gas that can be obtained here  
5 in Franklin County and Rocky Mount will benefit  
6 them tremendously. You need to release this  
7 company from being hostage. They have done  
8 things that they need to do, and I'm sure they  
9 will continue with oversight. Thank you.

10 **MR. BOWLIN:** Good evening, you had  
11 it just about right, you had it right the first  
12 time actually, it is Tommy Bowlin, and I am from  
13 Moneta. I'm here to speak in favor of MP, MPV  
14 and I ask you to support the draft permit we are  
15 discussing this evening.

16 The town of Rocky Mount does not  
17 have natural gas available to its homes,  
18 businesses, and government buildings. The MVP  
19 route currently is planned to pass within four  
20 miles of the town and the project offers a  
21 potentially lower cost option for natural gas  
22 access. Users of Franklin County can save up to  
23 one million annually by switching to gas every  
24 year, for many of us that can translate into a  
25 lot of money and make a real difference.

1 Manufacturing plays a big role in  
2 Franklin County's economy, but we have been held  
3 back by the lack of access to natural gas. The  
4 center employs almost twenty-seven hundred  
5 people, or twenty percent of the workforce in the  
6 county. Major employers like, include M. W.  
7 Manufacturers, McAirLaid's, NewBold, Ronile,  
8 Solution Matrix, Trinity, and the Uttermost  
9 Company. These manufacturers could save up to  
10 three hundred thousand dollars annual from  
11 switching to natural gas.

12 Access to natural gas also can  
13 provide an opportunity for these and other  
14 companies to expand. We also know that a number  
15 of economic development prospects have not been  
16 considered in Franklin County because of lack of  
17 access to natural gas. This could change when  
18 MVP becomes a reality. In transportation, fuel  
19 switching in municipal and private vehicles from  
20 petroleum and diesel to natural gas presents a  
21 sizeable savings opportunity to the community.  
22 These are estimated to be approximately four  
23 hundred fifty school buses, other school  
24 vehicles, some business trucks, and county  
25 vehicles, which if converted to natural gas could

1 yield significant annual savings.

2 So please issue the permit and  
3 help our community grow in a positive way. Thank  
4 you and have a good night.

5 **MR. MCCORMACK:** Good evening,  
6 Madame Chairwoman, Board. Paul McCormack, I'm  
7 the special pipeline rep for the International  
8 Union of Operating Engineers. I have thirty-one  
9 years in the construction of pipeline industry.  
10 When I started in 1990, things were much  
11 different as far as permitting and controls,  
12 methods, and restrictions the pipeline industry  
13 has to deal with now.

14 Like someone said earlier, the DEQ  
15 has previously reviewed every single water  
16 crossing back in 2017 and '18. The MVP draft  
17 permit provides more protection on water quality  
18 than the permit previously approved by the DEQ  
19 and the Board.

20 Now, I have again reviewed  
21 crossing methods of open cut and HTD, can be done  
22 safely and effectively to protect the water  
23 quality, aquatic life, local and regional water  
24 bodies of the Commonwealth. MVP has again  
25 relooked at all the remaining water crossings to

1 evaluate how they are permitted. They are making  
2 some changes to some, while others due to facts  
3 and science, remain the same. Both open cut and  
4 HTD crossings are permitted and used on electric-  
5 gathering systems from wind farms. The electric  
6 that the wind towers produce, that has to go to a  
7 substation, they have to cross streams, creeks,  
8 rivers, they are using the same HTD process and  
9 open cut processes. Mountain Valley has already  
10 shown that both methods can be done safely to  
11 protect the local and regional waters.

12 On another note, endangered  
13 species reviews are done by the U. S. Fish &  
14 Wildlife Service, and their biologic opinion. It  
15 was approved since 2017, the Court then asked for  
16 an update, in which MVP took eighteen months to  
17 thoroughly complete, U. S. Fish & Wildlife  
18 approved the permit last year. This project has  
19 been subject to the toughest water controls in  
20 the Commonwealth of Virginia. The MVP project  
21 team has agreed to hundreds of route changes.  
22 All's they ask now is after your hearings are  
23 complete and the end of the comment period ends  
24 in October, I ask you to look at the facts and  
25 the truth of the permit process and what MVP has



1 agreed to do, and look at all the comments, and I  
2 believe you would agree that this project permit  
3 should be approved and the construction of the  
4 MVP be completed. Thank you for your time.

5 **CHAIR WOOD:** Thank you.

6 **MR. MIDDLETON:** My name is Rob  
7 Middleton, I'm with the operating engineers. And  
8 anyway, I will tell you how good natural gas is,  
9 it's clean, affordable, and reliable. It  
10 provides around the clock energy to power the  
11 grid, run the manufacturing operations, and heat  
12 homes in the winter. Natural gas produces half  
13 the carbon emissions as coal and far fewer  
14 harmful pollutants, and the U. S. has an abundant  
15 supply of natural gas, but lacks the  
16 infrastructure necessary to get it to the market.  
17 Increasing the supply of domestic natural gas to  
18 meet domestic demands can strengthen national  
19 security by helping make the U. S. energy  
20 independent. The Mountain Valley Pipeline is  
21 specifically designed to serve domestic demand.  
22 The Roanoke Chamber of Commerce and Virginia  
23 Chamber of Commerce, among other groups, support  
24 the project. Major employers in Southwest  
25 Virginia are transitioning to natural gas.

1 Virginia Tech is switching from coal to natural  
2 gas, and has said it will finish up grading its  
3 natural gas supply to its steam plant boilers  
4 this fall. It's also planned to convert two  
5 coal-fired boilers to natural gas. A gas power  
6 plant was built at the Radford Army Ammunition  
7 Plant, the construction of a natural gas pipeline  
8 to the Celanese plant in Giles County several  
9 years ago allowed the company to switch from coal  
10 to natural gas, and keep five hundred good paying  
11 jobs. It's time that we approve these permits  
12 and get on with it. Thank you.

13 **MS. DAVENPORT:** Gene Rose, Jo Ann  
14 Boone, Doble Boone, Ann Rogers, and Lucas Brown,  
15 please.

16 **MR. ROSE:** Good evening Madame  
17 Chair, Board Members. Thank you for being here.  
18 My name is Gene Rose, and I live in Roanoke  
19 County. I am speaking in support of the draft  
20 permit for the Mountain Valley Pipeline. Work on  
21 the Mountain Valley Pipeline has been going on  
22 for more than three years, and they are almost  
23 finished with it, as you have heard many times  
24 tonight. Crews have been performing construction  
25 work in upland areas throughout the summer, more

1 than half the right of way is already restored.  
2 MVP crews have already successfully installed the  
3 pipeline across twenty-three wetland and stream  
4 crossings here in Franklin County.

5                   The Federal Energy Regulatory  
6 Commission has reviewed this project multiple  
7 times and has concluded it is the preferred route  
8 for meeting its purpose. The Commission has also  
9 found that the project can be built safely. DEQ  
10 reviewed every crossing in this application back  
11 in 2017 and 2018, when work on the pipeline was  
12 first approved. Since then, Mountain Valley has  
13 revised its remaining construction plans to  
14 further reduce its impacts on waterways and  
15 natural resources. About one-third of the  
16 remaining water crossings will be done with  
17 trenchless boring, this offers significant water  
18 quality benefits for those crossings appropriate  
19 for boring. Many of the remaining crossings are  
20 ephemeral and intermittent water bodies, so they  
21 may not even have water in them at the time of  
22 construction. The draft permit includes many  
23 conditions to avoid altogether or minimize  
24 impacts to surface waters.

25                   DEQ sat with professionals and

1 they have clearly done their due diligence  
2 regarding Mountain Valley's plans. The crossings  
3 and construction work that Mountain Valley is  
4 proposing to do are consistent with the  
5 provisions of the Federal and State law. Under  
6 the permit, work would avoid or minimize wetland  
7 impacts to maximize, to the maximum extent  
8 practicable. With their work almost completed,  
9 it would be a shame to stop now at a time of  
10 economic uncertainty and rising prices across the  
11 board, our State and our country could sure use  
12 an economic shot in the arm. It is my hope that  
13 this Board will approve the MVP permit. Thank  
14 you for your time.

15 **MS. BOONE:** Good evening, my name  
16 is Jo Ann Boone, I've been a Franklin County-ite  
17 for our whole life. I own a farm on Works Road  
18 about a mile from the MVP route and have been  
19 attending there for fifty-five for Sandy Ridge  
20 Baptist Church, located just feet from the pipe.  
21 DEQ mission is, quote, "To protect and enhance  
22 Virginia's environment and promote the health and  
23 wellbeing of all citizens in the Commonwealth,"  
24 unquote. The DEQ website notes that you are  
25 responsible for administering laws and regulation

1 related to air quality, water quality, water  
2 supply, renewable energy, and land protection in  
3 Virginia.

4 I suggest all the Members go back  
5 and refamiliarize yourselves with this  
6 responsibility and the aim of your appointments  
7 because, because MVP's application for a new  
8 permit stands in direct opposition to both. Why  
9 has DEQ committed staff resources to prepare a  
10 fifty-one page draft VWP permit and technical  
11 fact sheet as referenced in your public notice of  
12 this hearing, without a corresponding draft  
13 denial document and fact sheet outlining MVP's  
14 known history of violating its promises and State  
15 environmental regulations? Why indeed, when the  
16 public comment period is a month from closing,  
17 and the Water Control Board won't meet to  
18 consider the matter until December.

19 I further encourage DEQ members to  
20 revisit the Seven Seas that your website asserts  
21 outlining your agency's values. You are supposed  
22 to be, one, committed to the mission of your  
23 agency. How would granting permission to cross  
24 hundreds of water bodies in the Commonwealth to a  
25 giant fossil fuel pipeline with a history of

1 millions of dollars in fines for environmental  
2 violations line up with that?

3                   How are you, two, collaborating  
4 with the community to accomplish your goal of  
5 protecting Virginia's environment when you have  
6 reacted slowly and rather grudgingly to the  
7 hundreds of violations of MVP construction, as  
8 reported by vigilant citizens and by detailed  
9 date, time, and a GPS stamped photos?

10                   Do you really believe you have,  
11 three, consistently enforced environmental laws  
12 and regulations against the behemoth pipeline  
13 LLC, it seems you would rather reward them for  
14 trying and trying again.

15                   It also seems that the only  
16 appropriate, four, customer service DEQ is  
17 providing is to MVP, LLC itself, with your draft  
18 permit and recommendation to the Water Control  
19 Board that they approve MVP's request again,  
20 despite their history.

21                   I will skip ahead to seven,  
22 closure, which is something you have denied the  
23 people of Southwest Virginia by continuing to  
24 support several years at 2.5 billion dollar  
25 overtime and over budget, ill-fated, unnecessary,

1 unwanted, and environmentally destructive  
2 pipeline.

3 **CHAIR WOOD:** Thank you.

4 **MS. BOONE:** Hello, my name is  
5 Jobyl Boone, I grew up at the farm my mom just  
6 referenced, as well as in the same church she was  
7 in for fifty-five years, it sits right beside the  
8 pipeline route. I also have an interest in the  
9 sedimentation and erosion damage MVP has caused  
10 during construction, it falls in the watershed of  
11 Smith Mountain Lake where my family owns a home.  
12 All levels of government have failed the citizens  
13 of Southwestern Virginia on this project. Former  
14 Governor Terry McAuliffe, benefactor of Dominion  
15 Energy, allowed MVP to get a toehold in Virginia,  
16 then Governor Northam, whose posture was neutral,  
17 has done nothing to stop the MVP, but has  
18 dismissed members of the State Water Control  
19 Board for expressing concerns about fossil fuel  
20 projects, including the MVP. Here in Franklin  
21 County, the former Board of Supervisors that  
22 previously outright claimed the position of  
23 neutrality, now finds our former chairman and  
24 vice chairman, Messrs. Brubaker and Camacia,  
25 referencing their former service as elected

1 officials, while writing pro-pipeline editorials  
2 to the local papers and filing letters in support  
3 of the pipeline with the FERC. And the FERC  
4 itself that rubber-stamped this project at the  
5 Federal level to begin with. But recently there  
6 seems to be a shift, maybe.

7                   The Environmental Protection  
8 Agency, the Federal EPA, has recommended to the  
9 Army Corps of Engineers that they deny any stream  
10 crossing permit to MVP, quote, "EPA has  
11 identified a number of substantial concerns with  
12 the project as currently proposed, including  
13 whether all feasible avoidance and minimization  
14 measures have been undertaken, deficient  
15 characterization of the aquatic resources to be  
16 impacted, insufficient assessment of secondary  
17 and cumulative impacts, and potential for  
18 significant degradation in the proposed  
19 mitigation," unquote. The EPA's mission  
20 statement echoes and overshadows DEQ's.

21                   How can you ignore such guidance  
22 from above and the sentiment of the people of  
23 Virginia with no financial interest in this  
24 pipeline from below, and recommend approving this  
25 application, that makes no sense and seems wrong.



1 It's been said that the definition of insanity is  
2 to do the same thing over and over, and expect a  
3 different result. How many times will DEQ and  
4 this Water Control Board grant license to MVP,  
5 LLC after they have demonstrated to you and to  
6 all of us that they don't give a damn about your  
7 million dollar fines, the erosion and  
8 sedimentation safeguards they promised, or the  
9 safe environmental water quality?

10 If you grant them permission  
11 again, the citizens of Virginia have a right to  
12 ask what those who give a pass gain personally  
13 from such a reckless decision that flies in the  
14 face of DEQ's mission statement. Please fulfill  
15 your mission and deny this permit. Thank you.

16 **MS. ROGERS:** Good evening, my name  
17 is Ann Rogers, and I'm a community organizer with  
18 Blue Ridge Environmental Defense League, and a  
19 former member of the Roanoke County Pipeline  
20 Advisory Committee. I'm here this evening to  
21 request the support of DEQ for Roanoke County  
22 Supervisor David Radford's September 14 request  
23 to U. S. Army Corps of Engineers for recognition  
24 of the wetlands of Bent Mountain as significant  
25 under 33CFR320.4(B).

1 Mr. Radford has submitted his  
2 request pursuant to Mountain Valley Pipeline's  
3 application to U. S. Army Corps of Engineers,  
4 submitted February 19 for an individual permit  
5 under Section 404 of the Clean Water Act.  
6 Supervisor Radford's letter to the Army Corps  
7 provides authoritative documentation that  
8 establishes the Bent Mountain wetlands as having  
9 significance under Federal criteria outlined in  
10 33CFR320.4(B). In light of language in  
11 33CFR320.4(B) offering an opportunity for the  
12 head of the appropriate State agency to consult  
13 with U. S. Army Corps of Engineers on review of  
14 particular wetland areas, I respectfully request  
15 that DEQ undertake review of the eligibility of  
16 the wetlands of Bent Mountain under 33CFR320.4(B)  
17 in consultation with the U. S. Army Corps of  
18 Engineers official to whom Representative Radford  
19 has addressed his request, and that is Colonel  
20 Bryan Halberd, he's the District Commander of the  
21 Army Corps in Norfolk.

22 As stated in Mr. Radford's  
23 request, the protection and continuing viability  
24 and ecological function of the Bent Mountain  
25 wetlands is a matter of deep and abiding public

1 interest among the residents of Roanoke County,  
2 their elected officials, and the residents of  
3 neighboring cities and counties whose drinking  
4 water supplies originate in springs and water  
5 streams and associated wetlands of Bent Mountain.  
6 Thank you for your time and attention.

7 **CHAIR WOOD:** Thank you.

8 **MR. BROWN:** Good evening, you all.  
9 My name is Lucas Brown, I'm coming up from  
10 Occoneechee territory lands down in North  
11 Carolina, and grateful to be up here, and it's a  
12 lot of listening in here, listening to people's  
13 sentiment and numbers and information. And I  
14 come primarily just as a representative of  
15 another working class occupation, which is called  
16 child care, what you call working in preschools,  
17 working in elementaries.

18 And one practice that we do that  
19 just came to mind as I was sitting there  
20 listening, is we take our arms, right now,  
21 because we're at a difficult time, and I know we  
22 all hold that in our bodies right now, with a  
23 difficult time about what's happening with our  
24 climate, and everybody's a little scared,  
25 everybody's a little uncertain, everybody knows

1 that somewhere in our bodies. And we hold out,  
2 and we reach out for our ancestors, it goes a way  
3 back long before the last hundred and sixty years  
4 of fossil fuels, and we reach forward to the  
5 future, the children that we're holding in our  
6 hearts, those that are born now that aren't in  
7 this room, which we have a room that is not  
8 filled with any children, which is if we were  
9 intelligent we would have our children in this  
10 space right now, looking them in the eye about  
11 the decisions that we're making. And we hold  
12 them right here in our heart, and we reach  
13 forward to who's coming afterwards, and what  
14 they're going to experience with the choices that  
15 we're making right now. And we know in our  
16 hearts, given all the information, even that we  
17 just had in July the U. N. panel on climate  
18 change that said no new fossil fuel  
19 infrastructure whatsoever, if we're going to have  
20 a livable future for our children. And we look  
21 them in the eyes and we try to make decisions  
22 about what is actually healthy and right, and it  
23 isn't based upon a moment of economic need.

24 I'm talking about jobs I've been  
25 working at thirteen dollars an hour, seventeen

1 dollars an hour, trying to look children in the  
2 face and sing songs, and smile for them, let them  
3 believe that there is something that they could  
4 live for, it isn't just having waters being  
5 violated and more carbon emissions coming into  
6 their communities, and families and children  
7 dying of asthma from the effects of what we're  
8 putting into the environment.

9 I'm exhausted, so I just want you  
10 all to see me now, and see the exhaustion that I  
11 have to carry, from carrying the sadness of all  
12 these children that we're trying to take care of.  
13 I'm exhausted. And I know there's families out  
14 there that are exhausted of being afraid and  
15 terrified for their children about what they're  
16 going to be walking into, and what we were trying  
17 to decide right now, so if they were here, what  
18 would they be hoping we choose to do? About  
19 pipelines going through, about the destruction of  
20 water. If we sit down there by that water and we  
21 actually listen to that water, and we listen to  
22 our bodies, we know what it's going to be telling  
23 us, it will be breaking us down on our knees  
24 praying for forgiveness for how they are treating  
25 it.

1 I'm not trying to justify it on  
2 some other like economic gain, for sixty-five  
3 thousand dollars a year. It's not about us right  
4 now, it's never been about us, it's about who is  
5 coming after us and how we're going to take care  
6 of that land for them, and we know that, and you  
7 all know that. So thank you for your time.

8 **MS. DAVENPORT:** Michael Carter,  
9 Lynn Godfrey, Grace Tuttle, Jessica Simms, and  
10 Grace Terry.

11 **MR. CARTER:** Thank you, Madame  
12 Chairperson Wood and Board, I appreciate your  
13 time here in our beautiful county. I served as  
14 the Rocky Mount representative on the Franklin  
15 County Board of Supervisors. I have owned a  
16 small business in this county for over forty  
17 years. I'm not a politician, I got involved in  
18 politics because of the Mountain Valley Pipeline.  
19 Like our Board, you have a lot of tough decisions  
20 to make here tonight, but I would like to set a  
21 couple things straight.

22 The need for this gas in the town  
23 of Rocky Mount, Roanoke Gas has had the right to  
24 furnish us gas since 1964, they did nothing.  
25 When I got elected and got on the Board and I,

1 I'm sorry he left, Vice President Shockley with  
2 Roanoke Gas came up here and told you how we need  
3 this gas, we have to have this gas. I have asked  
4 him in a public meeting on three occasions when  
5 will the town of Rocky Mount receive this gas and  
6 who will pay for it? I can't answer that, Mr.  
7 Carter. What are they really providing us? Two  
8 proposed taps on a five hundred mile route? What  
9 does that tell you? Are you all really going to  
10 go against the EPA and give these people this  
11 permit?

12 Recently our Board requested a  
13 meeting with MVP officials, we wanted them to  
14 come to Rocky Mount, to Franklin County, and tell  
15 us exactly where the project was. Is it ninety  
16 percent complete? Fly over it, I don't believe  
17 that, I know that most of the people in this room  
18 don't believe that either. They refused to come.  
19 They didn't even respond to our county  
20 administrator. A project built on lies.

21 I went to a FERC meeting in  
22 Elliston, Virginia when this first got going, and  
23 listened to Paul Freedman with the FERC set up  
24 there and say I will not entertain any comments  
25 concerning this as an export pipeline. Two taps.

1 Where is all this gas going? After that meeting,  
2 a company from India filed in to one of the LLC's  
3 in the import business of exported fracked gas.

4 Mountain Valley polluter they are  
5 destroying our county, they are increasing  
6 sedimentation in our lake where our former vice  
7 chairman lives, FERC already has a sedimentation  
8 study process in place that went into effect in  
9 2002. Are you going to allow them to continue to  
10 destroy our water, our streams, Smith Mountain  
11 Lake, our major source of tax revenue for this  
12 county?

13 Do not grant this permit, it's  
14 impossible. Put a stop to this mess now, make  
15 them clean up their mess, get the hell out of our  
16 county. We are known for two things in Franklin  
17 County, two beautiful pristine lakes, and crystal  
18 clear water, which our citizens use to make  
19 bootleg whiskey and survive all these years. Do  
20 the right thing. Thank you.

21 **MS. GODFREY:** Good evening, Madame  
22 Chairwoman Heather Wood and other Members of the  
23 State Water Control Board. My name is Lynn  
24 Godfrey, I drove up here from Chesapeake,  
25 Virginia. I'm a staff member of the Sierra Club



1 Virginia Chapter, and I came here to support our  
2 twenty thousand members as well as people in  
3 Franklin County and show our support for them.

4 A few things I want to bring to  
5 your attention, and bring to the people of  
6 Franklin County's attention. This 401 permit  
7 process, the draft permit does not include the  
8 hundred and eighty water bodies that MVP is  
9 asking for an amendment from FERC, FERC has not  
10 approved that, that is not approved. So this  
11 water permit does not include that.

12 The MVP has violated over three  
13 hundred sedimentation and erosion violations in  
14 Virginia and West Virginia with 3.5, with 2.5  
15 million fines. You are rushing the process. You  
16 are rushing the process. Go back to the board.  
17 You have a year to complete this process. The  
18 Army Corps is more amendable to you completing  
19 this process in a year right now because the  
20 four, the Trump 401 Rule is being evaluated by  
21 the administration as we speak. And the EPA has  
22 formally suggested to the Army Corps the dangers  
23 posed to endangered species and water quality,  
24 and just to quote them, "In conclusion," this is  
25 their letter to Michael Hatton of the 110th

1 District, "In conclusion, it appears that the  
2 project as proposed may not comply with the  
3 guidelines," and that's the Clean Water Act  
4 guidelines, it will not comply with it.

5 As a lot of speakers have said  
6 before me, this, deny this project. Today Penn  
7 Eastern would cancel their pipeline because New  
8 Jersey let them be a standard, decided not to  
9 grant them the water permit, they, they cancelled  
10 it. MVP needs to be cancelled. And we're  
11 talking about the benefit that it's going to  
12 bring to the county, that's interesting because  
13 in their original application, that's nowhere to  
14 be found. Thank you.

15 **MS. TUTTLE:** Good evening Members  
16 of the State Water Control Board, and DEQ staff  
17 present. My name is Grace Tuttle, and I'm  
18 commenting on behalf of Protect Our Water  
19 Heritage Rights Coalition. I would like to  
20 address the concerns of the Environmental  
21 Protection Agency, or EPA in regards to the  
22 Mountain Valley Pipeline or MVP's 401 Permit  
23 proposal. The EPA sent a letter on May 27th,  
24 2021 to the U. S. Army Corps of Engineers with  
25 their substantial concerns about MVP's Clean

1 Water Act, Section 404 Permit Application, as it  
2 stands today. These specific concerns about  
3 compliance with the Federal Clean Water Act,  
4 Section 404 also apply to the State level Clean  
5 Water Act, Section 401, Permit Application, that  
6 is before you right now.

7 In their letter, the EPA  
8 recommends that the permit is not issued until  
9 the modifications it describes in its  
10 informational request are fully addressed and  
11 incorporated into the proposal. MVP's 401  
12 application is not sufficient to establish that  
13 there will not be water quality standard  
14 violations. This is equally true of both the 404  
15 application that EPA was commenting on, and the  
16 401 application before DEQ and the Board. The  
17 application proposes seven hundred and nineteen  
18 stream impacts, with large amounts of temporary  
19 discharges in tributaries and their associated  
20 wetlands, which provide habitat, water quality  
21 improvements, flood control, sediment transport,  
22 water supply, nutrient cycling, inorganic matter  
23 sources, all of which lead to maintaining  
24 downstream aquatic communities and water quality.  
25 The impacts proposed to these resources also have

1 impacts for the waters further downstream.

2           The EPA has stated that every  
3 effort should be made to avoid and minimize  
4 impacts from discharges associated with the MVP,  
5 and as the application as proposed, may not  
6 comply with those guidelines, nor is it apparent  
7 that all of the impacts have been minimized, or  
8 that direct secondary and cumulative impacts have  
9 been evaluated and mitigated so as not to  
10 significantly degrade waters of the United  
11 States. The EPA recommended that the Corps not  
12 issue the permit without substantially more  
13 information and special conditions. And the 401  
14 application does not satisfy those conditions or  
15 provide that information.

16           The EPA has reiterated that the  
17 permit should reflect the least environmentally  
18 damaging practical alternative, or LEDPA, in  
19 order to identify the LEDPA, an exhaustive range  
20 of practical alternatives is recommended for  
21 evaluation. The EPA has noted that it is not  
22 clear this project represents the LEDPA. The EPA  
23 recommends explanations of how these crossing  
24 methods were chosen, and very importantly, the  
25 use of trenchless crossings at every crossing,

1 and especially in streams containing threatened  
2 or endangered species.

3           The EPA also addressed concerns  
4 with multiple water bodies affected by a single  
5 crossing, in one case as many as ten water bodies  
6 at a time. The application states that incurring  
7 an unreasonable cost to avoid a short duration  
8 temporary impact to an individual crossing is not  
9 appropriate and practical. However, the EPA  
10 notes the company never considered costs  
11 associated with site restoration, monitoring, and  
12 among other things and requested an analysis  
13 including all of the relevant factors and again  
14 emphasized trenchless methods as an opportunity  
15 to minimize harm to aquatic resources.

16           The EPA also has substantial  
17 concerns with aquatic resource characterization.  
18 In order to fully understand and assess the  
19 alternatives and impacts under the Clean Water  
20 Act, the quality of the waters crossed must be  
21 considered. Missing from MVP's application...

22           **CHAIR WOOD:** I need to ask you to  
23 wrap up your conclusion please.

24           **MS. TUTTLE:** ... is a baseline  
25 assessment of the water quality and function of

1 each of the aquatic resources proposed to be  
2 impacted permanently or temporarily. The EPA  
3 recommends that the applicant conduct this  
4 baseline assessment of biological, physical, and  
5 chemical parameters of all the water bodies and  
6 then create a narrative describing methodology  
7 used and measurements and photos to back it up.  
8 Otherwise there is no way to assess the potential  
9 impacts or after the fact without a baseline.  
10 Thank you.

11 **CHAIR WOOD:** Thank you.

12 **MS. SIMMS:** Good evening, Members  
13 of the State Water Control Board, my name is  
14 Jessica Simms, I'm a resident of Henrico County,  
15 and I want to share some significant concerns I  
16 have with the permit application that is before  
17 you. I also want to note the Mountain Valley  
18 Pipeline is only fifty-two percent complete to  
19 full restoration. You have heard the ninety  
20 percent figure a couple of times tonight, but  
21 that fifty-two percent is pulled from MVP's own  
22 construction reports. I also want to flag that  
23 MVP is missing multiple authorizations from the  
24 Bureau of Land Management, the U. S. Forest  
25 Service, the Fish & Wildlife Service, and West

1 Virginia.

2 Of primary concern is the lack of  
3 sufficient information within the permit. It's  
4 an issue that you heard about before that the EPA  
5 raised in their past to the Army Corps,  
6 specifically the issue of alternatives is lacking  
7 within the permit. In terms of alternatives, the  
8 permit falls short of both what is required from  
9 a 401 generally, and the current Virginia  
10 statute. Virginia's 401 process expressly  
11 requires a LEDPA or least environmentally  
12 damaging practicable alternative requirement.

13 Those 401 guidelines require  
14 review of alternatives analysis, and yet in the  
15 fact sheet, DEQ fails to give any scrutiny to  
16 Mountain Valley Pipeline's cursory crossing  
17 methods. Rather, DEQ simply acknowledges that  
18 MVP created a table in its application of  
19 crossing methods and factors, and doesn't contain  
20 any independent analysis.

21 Although DEQ claims to have  
22 presented each crossing and determined it to be  
23 sufficient, there's no independent analysis.  
24 That independent analysis is crucial because we  
25 are seven years into this process and we are

1 dealing with a bad actor in Mountain Valley  
2 Pipeline. MVP is not credible when it comes to  
3 statements of feasibility of crossing methods,  
4 it's taken conflicting positions over the years  
5 on what is feasible and what is not. Today, it  
6 rejects trenchless crossings that it embraced in  
7 late 2020, and embraces other previously  
8 rejected.

9           For example, last fall MVP asked  
10 to do the first seventy-seven miles trenchless,  
11 and now it says that's impracticable. Simply  
12 put, their recommendations cannot be taken at  
13 face value. If DEQ adopts the 404 alternatives  
14 process, but even in that, MVP is simply not  
15 believable. For those present in 2017 during  
16 permit proceedings, I asked whose prediction were  
17 accurate, those of concerned community members,  
18 engineers, and geologists, or those of the DEQ,  
19 who took MVP's assertions at face value and  
20 recommended the project to you all. Where did  
21 that bad actor's claim at face value lead? To  
22 failed erosion measures, hundreds of violations,  
23 sedimentation clogging streams, ruined farms,  
24 ruined livelihoods.

25           A specific example I want to note



1 in closing is the Blackwater River, upstream of  
2 Smith Mountain Lake. MVP claims a trenchless  
3 crossing is not practicable here. The EPA Region  
4 Three called for a trenchless crossing, and even  
5 the DEQ has told FERC that the Blackwater  
6 crossing should be trenchless. In closing, I ask  
7 that you deny the application. Years of  
8 insufficient plans and insufficient execution  
9 should not be rewarded with a new permit. Thank  
10 you for your service and time.

11 **MS. TERRY:** Hello, thank you for  
12 listening to my comment here today. My name is  
13 Grace Terry and I'm here representing my family  
14 and our farm on Bent Mountain in Roanoke County.

15 We have 34.25, as a family, in  
16 total 34.25 operational acres being taken by the  
17 pipeline, operational is what is taken when,  
18 after it's completed. That does not take into  
19 account the amount, the acreage that is used  
20 during construction, so the, in Jefferson  
21 National Forest, on public lands, there are about  
22 forty acres of operational land, and they  
23 calculated almost double figure for, to include  
24 the land that's damaged during construction,  
25 construction, and I say damaged because the

1 construction began on our property in late July,  
2 and the in Bent Mountain we assumed that our, the  
3 construction of the route through there was left  
4 until this stage of the project because it was  
5 such sensitive aquatic resources and such a  
6 steep, there's so much steep terrain, and Poor  
7 Mountain, the greatest elevation change in the  
8 State of Virginia from Poor Mountain to the  
9 Elliston Valley floor. So having now seen the  
10 construction, and seen what happens, it's  
11 shocking.

12 So what I want to find out from,  
13 from DEQ and I've tried to find out but maybe the  
14 Board can help, is the gaps that seem to exist  
15 in, in the, in what's occurring right now because  
16 they don't have a, a, a permit to work in water  
17 and wetlands, they, they lost that for, you know,  
18 for good reason, they had not really analyzed the  
19 cumulative impacts on the water. So the blanket  
20 permit that they were granted under the Army  
21 Corps, by the Army Corps, was not, that was  
22 challenged in Fourth Circuit and it was not going  
23 to work for the, the type of terrain and the type  
24 of water resources that are being impacted.

25 So what's happening now, because

1 on my sister's property, they built three bridges  
2 with, and, and excavated in wetlands and, and  
3 then they made these huge piles of dirt that are,  
4 you know, as tall as this ceiling, and last week  
5 when we had a rain event, her neighbors went out  
6 in the rain and photographed the amount of muddy  
7 water that was coming off those piles. Some of  
8 those piles which are wetlands soil, and I, I  
9 have repeatedly called people at DEQ, tried to  
10 ask them how is this happening, please come look.  
11 They dug up the wetlands on my sister's property,  
12 they're, you know, who is, who is looking at that  
13 aspect?

14 So I don't know, I don't  
15 understand the oversight that's happening on the  
16 project right now. And for people that, that are  
17 saying that they'd just like to see it wrapped up  
18 and finished, I, I understand the one gentleman  
19 who has had such a destruction on his property,  
20 he's hoping it will, it will be, be over. But  
21 you know, on, on our prop, on, in our part of the  
22 route, everybody up there knows that the water's  
23 going to be ruined, and DEQ put monitoring in  
24 Bottom Creek, a monitoring station on my  
25 brother's properties, and bragged to you all

1 that, that, that...

2 **CHAIR WOOD:** I'm going to have to  
3 ask you to wrap it up, please.

4 **MS. TERRY:** ... that that  
5 monitoring was because of the sensitivity of that  
6 creek, and, and look what's been allowed to  
7 happen. I just need to know who can come and  
8 meet with the landowner, that's the gap, you all  
9 don't meet with the landowner and get our ground  
10 truth thing. Thank you.

11 **CHAIR WOOD:** Thank you.

12 **MS. DAVENPORT:** Linda Sutton,  
13 James Oyler, I'm sorry, I can't make our your  
14 writing, Bob Peckman, Kristin Peckman, and  
15 Delores Switzer, please.

16 **MS. SUTTON:** Good evening, Board  
17 Members, I am Ms. Linda Sutton, or Linda Tanner  
18 Sutton in full, a resident of Roanoke County.  
19 And I'll start out just by asking you please to  
20 deny the permit for reasons that have been  
21 explained already for, for countless reasons, but  
22 to remind everyone that the responsibility of DEQ  
23 and your Board is to protect water resources of  
24 Virginia.

25 And this, this meeting, this

1 hearing, is not to decide on the need for gas,  
2 and all the benefits of having natural gas, and  
3 the jobs, it's for deciding protection of our  
4 water resources. And people, all those who were  
5 in favor obviously are not ones that are being  
6 affected, impacted. Residents of Bent Mountain,  
7 just their land and water being destroyed, and  
8 illegally without a permit they shouldn't be up  
9 there doing that at this point. And it's going  
10 to affect our water in Roanoke County, the  
11 Roanoke River, it will affect Roanoke City as  
12 well, but the main point is you're supposed to be  
13 protecting this.

14                   So why haven't people been up  
15 there from DEQ to confirm what's been going on?  
16 And again the EPA expressed concerns about that.  
17 Yes, it's an inconvenience to a lot of people,  
18 but it's going to be more of a permanent  
19 inconvenience to people whose land and water have  
20 been impacted. And a lot of these, what they say  
21 it's just temporary, will not just be temporary.  
22 So, and again we're questioning the wording of  
23 the draft permit, saying that, implying that  
24 you've already approved this, and it seems like  
25 most of the agencies have already decided, even

1 just at the very start of this proposal of the  
2 project of Mountain Valley Pipeline, that yes,  
3 they're going to approve it, for whatever  
4 monetary gains, economic supposedly gains, but at  
5 what cost to our environment? Look at the long  
6 term costs and, and just weigh that against the  
7 economic benefits.

8                   So thank you and please, please  
9 consider all, all facts, science, facts from  
10 professionals, and I would ask everybody on the  
11 Board to go and visit some of these sites and not  
12 just base it on hypothetical reassurances and  
13 guidelines, and information that you get bias  
14 from the pipeline company itself. Thank you.

15                   **MR. OYLER:** Thank you Madame  
16 Chairman, and the Board. My name is James Oyler,  
17 I'm an environmental consultant and have been for  
18 thirty-three years, and I'm actually a property  
19 owner here in Franklin County, and Mountain  
20 Valley has impacted my property and I have  
21 actually reported several of the several hundred  
22 notices of violation to the DEQ personally, and  
23 have seen many others in my passing through  
24 Roanoke County and Franklin County over the last  
25 three years of construction.

1 But as a person who has been in  
2 the consulting industry for thirty-three years, I  
3 feel it's imperative with the hundreds of  
4 violations that have occurred, that DEQ do not  
5 issue this permit, particularly with the EPA and  
6 FERC not being behind the permit as well. And  
7 additionally, a pipeline of this size and this  
8 magnitude has never been built in karst geology  
9 and on these steep terrains ever in the history  
10 of the United States. Anybody who doubts that  
11 can look this up. And even when this project has  
12 been completed, these crews have been working  
13 pretty much diligently and are having chronic  
14 slope failures while they are working. This  
15 project should have never been approved to begin  
16 with. These slope failures are going to continue  
17 to happen, whether the project is finished or  
18 whether it stops. This project is doomed to  
19 fail.

20 This project permit needs to not  
21 happen because these slope failures will continue  
22 and if the project permit is granted, the  
23 pipeline will explode at some point in the future  
24 because this geology and these slopes are not a  
25 good fit for this pipeline. It was not a sound

1 project from day one, so do not approve this  
2 permit. Thank you.

3 **MR. PECKMAN:** Thank you for  
4 letting me address you. My name is Bob Peckman,  
5 I live in Roanoke County. There was a pipeline  
6 almost as big built in West Virginia recently.  
7 It did explode with an explosion big enough to  
8 blow Newport off the map, but I don't think that  
9 is a, anyway I was among many who took  
10 photographs of mud running into the creek I was  
11 looking at was Teal's Creek, but many people  
12 submitted photographs and proof, and our  
13 photographs were called false and misleading. I  
14 walked in Teal's Creek, which had been a nice  
15 stony bottom, and got my feet stuck in the mud  
16 and ended up falling into the water and losing a  
17 cellphone. But no one came out to look at it.  
18 You've got, you've, the amount of fines that they  
19 have paid for violations do not at all reflect  
20 the amount of violations that you have ignored.  
21 And this permit is, has stipulations about it,  
22 what they must do, but if you don't enforce it,  
23 which you have not done so far, and it doesn't  
24 look like it will be enforced now and, and it  
25 even says if practicable, what does that mean?



1 It means yeah, you have to do this, but you don't  
2 really have to do this. What kind of wording is  
3 that? This, it makes no sense to give them the  
4 water permit. They have built, and built, and  
5 tried to force us to say, well gee, you built  
6 that much so far, well maybe we shouldn't have  
7 built so much so far when you didn't have the  
8 permits. So what they do is they build, and  
9 build, and build, and then the pressure is on you  
10 to, oh we can't deny this permit because if,  
11 they've built so much so far. It's not your  
12 fault that they built so much so far. There's no  
13 reason why you have to support and issue a permit  
14 just because, even if they had ninety-five  
15 percent built, that's still not a reason to issue  
16 a water quality permit when the, the water  
17 quality situation doesn't justify it. Thanks.

18 **CHAIR WOOD:** Thank you.

19 **MS. PECKMAN:** Hello. Members of  
20 the Water Control Board, I have to thank you for  
21 working so hard to protect our water, and I  
22 apologize if people are accusing me of being DEQ,  
23 you are the water control board and thank you  
24 very much for your job. It's not an easy one. I  
25 have been taking a look at the draft permit that

1 DEQ prepared for you to decide whether to approve  
2 or not. It's full of conditions, all kinds of  
3 conditions, but who is going to monitor that  
4 these conditions are being met? MVP will be  
5 rushing as soon as they get the chance, MVP will  
6 be rushing to complete this job, using crews in  
7 multiple places at the same time. The conditions  
8 specified in this permit are meaningless without  
9 constant observation to enforce them. So it's  
10 impracticable.

11 Just a couple of quotes from the  
12 permit. "All in-stream activities shall be  
13 conducted during low flow conditions whenever  
14 practicable." What does whenever practicable  
15 mean? It means we can do it because it's  
16 practicable.

17 Another quote, "Material resulting  
18 from trench excavation may be temporarily side  
19 passed into wetlands, not to exceed a total of  
20 ninety calendar days, providing the material is  
21 not placed in such a manner that it is dispersed  
22 by currents or other forces." Well, what about  
23 the wetland itself? And its inhabitants, the  
24 creatures within the wetlands, the plants that  
25 are supposed to be filtering the water?

1 Another quote, "Submit a stream  
2 and wetland restoration plan to DEQ for review  
3 and approval prior to initiation of construction  
4 activities in wetlands or stream channels." Why  
5 isn't this plan right here in the permit? Okay,  
6 let's see, how much time there is, not much. We  
7 have been monitoring as Virginias Save Our  
8 Streams monitors, we have been monitoring in  
9 Teal's Creek.

10 Prior to, right up through April  
11 of 2018 this was in the area, I'll have to write  
12 it, the area between two Teal's Creek crossings,  
13 and there were six Teal's Creek crossings above  
14 this point, and nine tributaries of Teal's Creek  
15 above this point. In this monitoring prior to  
16 spring of 2018, the scores were twelve, which is  
17 I think the highest score that can be obtained  
18 for cleanliness of the water. The lowest was,  
19 afterwards the low, they went down, the scores  
20 went down to eight, which is considered a gray  
21 area. Also, the sediment accumulated on the  
22 bottom of the creek to the extent that their  
23 ripples began to disappear and there weren't, we,  
24 we had a hard time getting our quota of two  
25 hundred organisms in several nets, three or four

1 nets. So it's not only the kinds of  
2 macroinvertebrates but also the number of them  
3 that's diminishing.

4 So my request is that you please  
5 deny this permit because these conditions simply  
6 cannot be met, it's impracticable. Thank you.

7 **CHAIR WOOD:** Thank you. If I  
8 could, before you leave if I could ask you to  
9 read your name into the record.

10 **MS. PECKMAN:** Yeah, my name is  
11 Kristin Peckman, I'm from Roanoke County.

12 **CHAIR WOOD:** Thank you very much.

13 **MS. PECKMAN:** Thank you.

14 **CHAIR WOOD:** Appreciate your  
15 comments.

16 **MS. SWITZER:** Good evening Madame  
17 Chairman, Board Members, ladies and gentlemen,  
18 thank you for holding this hearing and thank you  
19 for letting all of us be able to speak tonight.  
20 My name is Delores Switzer, I live in Bedford  
21 County. I am a former resident of Franklin  
22 County and am employed in Roanoke County, and I'm  
23 here to support the permit for Mountain Valley  
24 Pipeline.

25 MVP is important to the future of

1 this region. Last February's ice storm showed  
2 that we need MVP to make sure we have access to  
3 the natural gas we need to heat our homes, power  
4 our business operations. The pipeline has been  
5 studied and reviewed over and over, it had every  
6 approval it needed when the crews started working  
7 in 2018. It should already be finished and in  
8 service with the right of way totally restored.  
9 The pipeline is going to be a major asset to  
10 Virginia, and to the citizens of this area.

11           Roanoke County is expected to  
12 receive more than one million annually in new  
13 property taxes from MVP once the pipeline is  
14 operating. Franklin County is expected to  
15 receive about three million every year in new  
16 property taxes. This is a very significant and  
17 will have a very positive impact on the county's  
18 ability to fund core services without placing  
19 additional burdens on residents. Probably more  
20 important is that Franklin County will finally  
21 have access to natural gas through a tap on MVP,  
22 that's going to help the county improve  
23 businesses, create jobs, which will be important  
24 and very good for this region.

25           The Virginia Water Protection

1 permit includes appropriate conditions that will  
2 allow crews to complete construction of the  
3 Mountain Valley Pipeline safely. The permit  
4 draft fact sheet shows four hundred and twenty-  
5 eight total service water impact locations. I  
6 looked through the fact sheet and saw only about  
7 a hundred and ten crossings are at perennial  
8 streams, which have water running through them  
9 year round. Some of the others are dry ditches,  
10 culverts, or creek beds that do not have water in  
11 them on a normal day until there is a rainstorm.  
12 Most reasonable people would agree that the fact  
13 sheet in the draft permit shows that Mountain  
14 Valley's plans will protect the environment. I  
15 believe that the permit should be approved.  
16 Thank you.

17 **MS. DAVENPORT:** Any Shea, Freeda  
18 Cathcart, and Cynthia Munley.

19 **MS. SHEA:** Good evening, I'm Amy  
20 Shea, and I live in Salem, Virginia. This will  
21 be somewhat of an emotional appeal, but that's  
22 because the facts here have been ignored largely.

23 The planet is in trouble and its  
24 cognitive dissonance to those of us who have even  
25 paying attention for a while, that we're still

1 having to fight pipelines. It's making of us, I  
2 feel angry because what else can we do, you know?  
3 We have gone through all the hoops, we've been  
4 working on this for seven years, it's just  
5 extremely frustrating that we're still willing to  
6 do this.

7 I'm a lifelong Virginian, I'm a  
8 mother to two, they are nineteen and twenty-two,  
9 neither of them feels optimistic about the future  
10 because of chronic crisis, it's hard for them to  
11 want to feel hopeful about their futures, to want  
12 to go to college, you know, during the pandemic  
13 especially, but also because of the chronic  
14 crisis. Like you know, why work for a future  
15 when the planet is on fire, you know?

16 I also want to say, I work with a  
17 lot of young people and I have really related to  
18 what the gentleman said earlier about just, you  
19 know, the hopelessness I feel from a lot of them  
20 about this. It doesn't seem like there are  
21 adults in the room a lot of times.

22 This morning in Montgomery County  
23 there was an earthquake, 2.6, it, it was in  
24 Elliston, which is connected, as someone else  
25 said, to Poor Mountain, that, that slope where

1 they've been blasting on that mountain. They  
2 have been, also the guy earlier who said there  
3 was there was those five foot water trenches that  
4 they've been putting up there. They have been  
5 disrupting the karst soil, all of that water is  
6 connected, the karst doesn't handle, hold up well  
7 to that. All of that water filtering through  
8 there, we don't even know how that's going to  
9 react. Well, we do know how that's going to  
10 react because there was already a sink hole in  
11 the Dixie Caverns a while back due to the  
12 disrupting of the soil over there as well. Okay,  
13 so let me just get on through here.

14 The man who was just talking  
15 earlier about, the gentleman who was talking  
16 earlier about how careful the workers are, I  
17 would just want to say in the last week we know  
18 of one Norfolk Southern crossing that was damaged  
19 by a Precision Pipeline truck at the Cove Hollow  
20 Road entrance. Norfolk Southern has had to have  
21 people there twenty-four hours a day for the last  
22 three days watching that crossing. There were  
23 twenty gallons of diesel fuel spilled in Giles  
24 County from an excavator that was damaged. They  
25 didn't know it and they were hauling it for



1 twenty miles and spilling diesel all along the  
2 waterways and roadways in Giles County this week.  
3 That's just two in one week.

4 Three hundred violations that  
5 people saw and reported, many more weren't seen  
6 or reported. The money that they're paying, it's  
7 like they're not going to do it right, they're  
8 going to ask for forgiveness later, that's how  
9 they work. I just really sincerely request that  
10 you deny this request of theirs, that you deny  
11 the permits and give our children back some hope  
12 that there are adults in the room that some of us  
13 care about their future. Water is life.

14 **CHAIR WOOD:** Thank you.

15 **MS. CATHCART:** Thank you for being  
16 here. My name is Freeda Cathcart, I'm a soil and  
17 water conservation district director representing  
18 Roanoke City. And I wanted to address what  
19 should be violations that aren't being reported.

20 I get about the mitigation, I  
21 serve on the board, but hands out, we were the  
22 first ones to get the money out the door to  
23 improve the water quality. And I understand  
24 about consent decree and the amount of time  
25 that's given when something is found to let

1 Mountain Valley Pipeline go and, and fix it, I  
2 get it. What I don't get is why, when things are  
3 reported to the DEQ, pollution reports, that they  
4 are sending inspectors there to say that its fine  
5 when it's not.

6                               Before I became, I sent John  
7 McCutcheon, who is the project manager, a video  
8 after three-tenths of an inch of rain. That's  
9 not much. Mountain Valley Pipeline had placed a  
10 silt sock, the last time, what time, what they do  
11 because the consent decree is there will be a  
12 report and Mountain Valley Pipeline will go out  
13 and stick up some silt socks and say you did  
14 something. And so it's not counted as a  
15 violation. So it's not giving an accurate  
16 picture to the company, to Mountain Valley  
17 Pipeline, or to you, or anybody else about what  
18 is actually going on.

19                               It got to the point where, even  
20 now, I'm afraid to say when there's pollution, or  
21 report the pollution events, because they will go  
22 out and make it worse, as in this example. The  
23 property owner has a dirt driveway going down to  
24 the access road, which is a gravel road. And  
25 Mountain Valley Pipeline had put silt socks along

1 the side of the road where the stream was going  
2 down, because Mountain Valley Pipeline did not  
3 listen to the soil scientist and engineers that  
4 told them to do an Order One soil survey to see  
5 what the soils were, and to use that data.

6           And I have lots of evidence  
7 showing, substantiating, especially last March of  
8 how, what the soil scientist predicted would  
9 happen, which is the less dense soils are moved  
10 out of the way by the pressure of the water, and  
11 create tunnels underneath the controls. So  
12 sticking more silt socks on top of the controls  
13 aren't doing any good. So that's what happened  
14 to this access road, they built it up and it made  
15 a big hole in the access road, so they came and  
16 they put more silt socks, they filled it up, but  
17 then they put silt socks on the other side of the  
18 lane where the dirt driveway came down, and those  
19 silt socks have taken the water from that and  
20 made a direct shot into the stream, the culvert  
21 that goes under the access lane.

22           I've got videos, I've got GPS date  
23 and time stamped photographs, I sent that to John  
24 McCutcheon before Ida come, came saying this is a  
25 problem. Afterwards, I wasn't here when Ida came

1 through but just, I don't know, it was recently,  
2 it was like September 1st I went back, again, not  
3 much rain, less than a half an inch of rain, I  
4 was out there and the silt socks were still there  
5 and diverted it, I sent that, put the pollution  
6 report in.

7 I've also been reporting for over  
8 fifteen months holes in the super silt fence,  
9 they finally fixed the holes after fifteen  
10 months. But the environmental inspectors that  
11 went out after the September 1st report where  
12 those silt socks are, anybody with an elementary  
13 school knowledge of science could tell water  
14 flows downhill. So it's not a problem here  
15 because there's silt socks there. That's the  
16 problem. Their controls are the problem, and the  
17 staff aren't doing their job. It is imperative  
18 that we deny this permit for Mountain Valley  
19 Pipeline's own good. The DEQ staff, the  
20 inspectors...

21 **CHAIR WOOD:** I need you to wrap it  
22 up it up, please.

23 **MS. CATHCART:** ... to do it and,  
24 and also they don't have the data, the EPA is  
25 right. Please deny this permit, for everybody's

1 sake. Thank you for your time.

2 **MS. MUNLEY:** Good evening, I'm  
3 Cynthia Munley, I live in Salem, I'm a member of  
4 the downstream community that, whose municipal  
5 water will be affected by what happens to the  
6 Roanoke River. You citizen Board Members have an  
7 awesome responsibility and power to affect our  
8 lives in this region. We are all downstream. A  
9 farmer who lost his farm, his ability to farm,  
10 and had his water destroyed by limestone when MVP  
11 went across his property, made a poster to that  
12 effect and brought it to the recent event.

13 I'm going to ask that you deny  
14 this permit. The standards under the 404 haven't  
15 been really implemented, so the 401 with this  
16 much higher standard is really stretching  
17 credulity here. In spring 2017, I read in the  
18 paper that DEQ was going to require an individual  
19 stream crossing, that really gave me a relief,  
20 because I knew it would be hard for MVP to, to  
21 follow the standards in that. Weeks later, DEQ  
22 reversed its decision to use the boilerplate Army  
23 Corps permit that was later found by the Fourth  
24 Circuit Court and other Federal Judges to be  
25 inappropriate for large infrastructure projects.

1                   Now MVP is requesting the 401 that  
2 citizens originally wanted, and with over a  
3 hundred, sorry, a thousand unique Appalachian  
4 streams and springs that cross, that MVP crosses  
5 is 401 was the better permit. All the harm,  
6 heartache, stress for all of us could have been  
7 avoided if the citizen's board had only  
8 rightfully rejected giving this project a permit.  
9 It should have been laughed off the table by  
10 reasonable men and women.

11                   North Carolina Citizens Board saw  
12 Virginia and twice denied the permit, which was  
13 twice upheld by the Courts. Penn East was just  
14 abandoned after a water permit was denied by New  
15 Jersey. Virginia must do the same thing with  
16 MVP's current 401 permit request. If not, we  
17 will give, continue to prove our regulatory  
18 agency wrong and say that DEQ has already  
19 recommended a, I'm just amazed that DEQ has  
20 already recommended approval of the 401, before  
21 you even hear what we have to say. That  
22 recommendation is quite a stretch. It confirms  
23 that something other than science and a long  
24 record of MVP violations is driving this  
25 decision.

1                   You are the citizen's board, not a  
2 board that must guarantee a pet project for our  
3 Governor. After the reversal from using 401 in  
4 2017 and after the pain of watching millions of  
5 trees being cut, I got involved. I called  
6 Senator Edwards and he set up a meeting with  
7 Governor Northam, where six individuals that were  
8 science-oriented came and brought the science to  
9 the Governor. They were each allowed five  
10 minutes. One of them even flew in, a hydrologist  
11 flew in from Stockholm. They gave their five  
12 minute presentation and they never heard from the  
13 Governor again.

14                   My point here is that the science  
15 in this project is divorced from the project, and  
16 we were promised that it would be part of it.  
17 And you all are the ones that are deciding  
18 whether or not the science gets through, that its  
19 applied and so far it hasn't. DEQ is maintaining  
20 a myth that all is normal, that water quality is  
21 being protected, not by water quality standards,  
22 but by a quote, "technical method of maintaining  
23 BMP's." That is a boldfaced fabrication. We see  
24 the destruction and the mud that is filling and  
25 being diverted into our streams, no one believes

1 that. Melanie Davenport, Director of Water  
2 Permitting makes excuses, saying that its rain  
3 events that are causing this.

4 **CHAIR WOOD:** Now I'm going to need  
5 you to wrap it up, please.

6 **MS. MUNLEY:** Instead of an  
7 effective plan, we're using technology, but our  
8 water it not staying clean. All I know is that  
9 around the world draining and overusing the  
10 wetlands can fatally upset aquafers that affect  
11 us downstream community uses of water. And this  
12 could happen with MVP, because science isn't  
13 being used, it's being ignored. And I implore  
14 you to do what you can to stop this permit, which  
15 is not justified by all of the destruction that's  
16 already happened. Thank you very much.

17 **CHAIR WOOD:** Thank you.

18 **MS. DAVENPORT:** That completes the  
19 list of names that were on the sign in sheet, is  
20 there anybody here who did not sign in who has  
21 come to offer comments?

22 **ATTENDEES:** (No audible response.)

23 **MR. SWAINE:** Miss, the lady called  
24 on the first that was on the first go round?

25 **CHAIR WOOD:** Excuse me sir, could



1 you please identify yourself?

2 **MR. SWAINE:** Phillip, my name is  
3 Phillip Swaine.

4 **CHAIR WOOD:** All right.

5 **MS. DAVENPORT:** Oh yes, I did call  
6 you.

7 **MR. SWAINE:** Yes ma'am. And I  
8 think can give a little bit of insight on both  
9 hands of this, because I'm, I'm a landowner here  
10 in Virginia, also a cattle farmer here in  
11 Virginia, and I also wanted the pipeline, so I  
12 mean, I hear a lot of farmers saying they want  
13 this done so they can have their property back,  
14 plus the longer we wait to complete this project  
15 the more erosion we're going to have because I  
16 mean, we can't do nothing about the rain because  
17 God's going to let it rain. So I mean, I just  
18 want to say this permit needs to be permitted.  
19 Thank you.

20 **CHAIR WOOD:** Last call.

21 **ATTENDEES:** (No audible response.)

22 **CHAIR WOOD:** Okay, well I want to  
23 thank everyone for coming out tonight. We  
24 really, really appreciate you taking the time to  
25 come out and speak with us. And I would like to

1 remind everybody that written comments can be  
2 submitted through October 27th, 2021, and those  
3 of you that have handed me comments tonight, we  
4 will make sure that these get to staff. The  
5 public hearing is now adjourned. Thank you.

6 **(WHEREUPON, the public hearing was concluded at**  
7 **8:35 p.m.)**

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CAPTION

The foregoing matter was taken on the date, and at the time and place set out on the title page hereof.

It was requested that the matter be taken by the reporter and that the same be reduced to typewritten form.



1 CERTIFICATE OF REPORTER AND SECURE ENCRYPTED  
2 SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT

3 I, **STEPHEN D. GRIDER**, Notary Public, do hereby  
4 certify that the forgoing matter was reported by  
5 stenographic and/or mechanical means, that same was  
6 reduced to written form, that the transcript prepared  
7 by me or under my direction, is a true and accurate  
8 record of same to the best of my knowledge and  
9 ability; that there is no relation nor employment by  
10 any attorney or counsel employed by the parties  
11 hereto, nor financial or otherwise interest in the  
12 action filed or its outcome.

13 This transcript and certificate have been  
14 digitally signed and securely delivered through our  
15 encryption server.

16 IN WITNESS HEREOF, I have here unto set my hand  
17 this 8TH day of OCTOBER, 2021.

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22 /s/ STEPHEN D. GRIDER

23 COURT REPORTER / NOTARY

24 NOTARY REGISTRATION NUMBER: 277815

25 MY COMMISSION EXPIRES: 03/31/2025

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| <hr/> 0 <hr/>              | <b>2.6</b> 111:23  | <b>22nd</b> 11:14  | <hr/> 6 <hr/>  |
| <b>0.39</b> 22:18<br>22:22 | <b>20</b> 39:14  | <b>27</b> 5:3  | <b>6:00</b> 5:4  |
| <hr/> 1 <hr/>              | <b>2002</b> 88:9   | <b>27.5</b> 60:22  | <b>62.1-44.15</b><br>7:19                                      |
| <b>1.8</b> 37:14           | <b>2014</b> 52:25  | <b>27th</b> 7:16<br>10:18 90:23<br>122:2   | <hr/> 7 <hr/>  |
| <b>11:59</b> 10:17         | <b>2015</b> 24:2<br>24:6 26:8<br>34:15   | <hr/> 3 <hr/>  | <b>798</b> 39:22<br>44:1 44:8<br>44:11 45:7<br>45:11 46:18     |
| <b>110th</b> 89:25         | <b>2016</b> 40:21  | <b>3.5</b> 89:14   | <hr/> 8 <hr/>  |
| <b>128</b> 64:10           | <b>2017</b> 11:5<br>40:23 47:15<br>48:11 50:1<br>71:16 72:15<br>75:11 96:15<br>117:17<br>119:4 | <b>33CFR320.4 (B)</b><br>81:25 82:10<br>82:11 82:16  | <b>8:35</b> 122:7  |
| <b>12th</b> 61:13          | <b>2018</b> 24:19<br>39:14 40:24<br>58:6 60:22<br>75:11<br>107:11<br>107:16<br>109:7           | <b>34.25</b> 97:15<br>97:16  | <b>81</b> 64:10  |
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