



**VETERAN
REPORTERS**

MOUNTAIN VALLEY PIPELINE

PUBLIC HEARING

DRAFT VIRGINIA WATER PROTECTION PERMIT

**TUESDAY, SEPTEMBER 28, 2021
6:02 P.M.**

**RADFORD UNIVERSITY - KYLE HALL
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RADFORD, VIRGINIA 24141**

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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
JILLIAN S. COHEN

SPEAKERS:

JERRY ADAMS
TOMMY OLIVER
PAUL NESTER
MICHAEL BARBER
DELEGATE CHRIS HURST
RUSSELL CHISHOLM
LOUISA GAY
OLUDARE OGUNDE
DAVID WERNER
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- 1 HARRY HOUSER
- 2 KAY FERGUSON
- 3 MICHAEL L. BENTLEY, EdD
- 4 DAN CRAWFORD
- 5 BETH STOCKNER
- 6 ERNEST KASTNING, PhD
- 7 ELLE DE LA CANCELA
- 8 PETER ANDERSON
- 9 JOSHUA VANA
- 10 LARRY J. WILLIAMS
- 11 DAVID BUTTERWORTH
- 12 JASON (CRAZY BEAR) KECK
- 13 DANIEL ARRIAGA
- 14 ANDRES GARCIA
- 15 GRACE TUTTLE
- 16 PETER JACKSON
- 17 CRYSTAL MELLO
- 18 BRIDGET KELLEY-DEARING
- 19 TAMMY BELINSKY
- 20 MARA ROBBINS
- 21 LYNDA MAJORS
- 22 TINA SMUSZ
- 23 FREEDA CATHCART
- 24 DONALD W. JONES
- 25 MARK G. BECKER

- 1 VICTORIA STONE
- 2 LINDA PARSONS SINK
- 3 ROBERTA JOHNSON
- 4 CRYSTAL CAVALIER
- 5 MATTHEW PICKETT
- 6 AMY NELSON
- 7 KATIE WHITEHEAD
- 8 DONNA S. PITT
- 9 KAROLYN GIVENS
- 10 CYNTHIA MUNLEY
- 11 DAVE WALKER
- 12 MARY ANN CAPP
- 13 TRISH MCLAWHORN

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MOUNTAIN VALLEY PIPELINE**PUBLIC HEARING****TUESDAY, SEPTEMBER 28, 2021****6:02 P.M.**

(WHEREUPON, the public hearing was called to order at 6:02 p.m.)

CHAIR WOOD: I would like to call to order this public hearing, September 28th, 2021 of the State Water Control Board. Tonight we're discussing the Mountain Valley Pipeline draft Virginia Water Protection and Use permit. 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, Joe Cohen, 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, but a member of the public. In addition, it is State law and regulation that are the basis for the actions taken by the Board and the Department. Neither

1 the Department nor the Board has the authority to
2 make changes to the law. I will serve as the
3 Hearing Officer for tonight's public hearing.

4 This hearing was authorized by the
5 Director of the Department, and a notice of the
6 hearing was published in the Franklin News Post,
7 the Smith County News Messenger, Floyd Press,
8 Roanoke Times, Danville Register & Bee, Chatham
9 Star Tribune, Southwest Times, Virginian Leader,
10 Salem Times Register, Newcastle Record, Vinton
11 Messenger, Fincastle Herald, News Messenger, and
12 Radford News Journal. This hearing is being held
13 as one method for the Board and the Department to
14 receive public comments on the draft Virginia
15 Water Protection Individual Permit for the
16 Mountain Valley Pipeline project. Written
17 comments are also being accepted by the
18 Department by mail, email, and fax through
19 October 27th, 2021. This fact-finding proceeding
20 is being held pursuant to Sections 2.2-4019 and
21 62.1-44.15, Section 5 of the Code of Virginia,
22 and the Board's Procedural Rule Number One.

23 When a public hearing is held, the
24 Board makes the final decision on the permit. No
25 decisions will be made tonight. The Board will

1 make a decision at a future Board meeting
2 currently planned for December 14th, 2021. The
3 comments we hear tonight and heard last night
4 will be collected along with the written comments
5 received during the comment period. Comments
6 relative to the draft permit will be reviewed and
7 considered in the development of the Department's
8 final recommendations for the Board's
9 consideration.

10 Also I would like to note that
11 there is a quorum of the Board in attendance at
12 tonight's hearing, and there was a quorum at the
13 public hearing last night as well. Because the
14 Board is hearing the public comments firsthand
15 during these hearings, the Board will not provide
16 an opportunity for public comment on the draft
17 permit at the meeting when we consider final
18 action of the draft permit. The State Water
19 Control law does not require that there be an
20 opportunity for public comment at the meeting
21 when the public hearing is conducted by a quorum
22 of the Board.

23 Please be assured that all oral and written
24 comments relevant to the draft permit will be
25 considered by the Board when we meet in December.

1 Rules for commenting this evening are as follows:
2 Each person wishing to provide oral comments has
3 three minutes in which to do so. No pooling or
4 consolidation of minutes may occur. Written
5 comments may also be handed to any Department
6 staff person here tonight, and if I could ask
7 Steve Cusack and, so the folks know who you are,
8 and you may hand comments to any of these
9 individuals. Your name and mailing address must
10 be included on those comments.

11 This hearing will adjourn at 9:00 p.m.
12 or when everyone present has had their
13 opportunity to speak, whichever occurs first. I
14 will call on any of our Federal or State
15 Legislators to speak, or their representatives
16 first, to be followed by those people who have
17 signed up to speak, in order of sign in, until
18 the hearing adjourns. If you do not get the
19 opportunity to speak, please consider submitting
20 your comments in writing. All comments relative
21 to the draft permit will be considered regardless
22 of whether the comments were submitted orally or
23 in writing, and written comments may be as long
24 or as short as necessary.

25 The purpose of tonight's hearing is to

1 receive your comments on the draft permit, no
2 questions will be answered at tonight's hearing.
3 Courteous and respectful behavior is expected
4 from everyone here tonight, and we certainly had
5 that last night. Disruptive attendees may be
6 asked to leave, or if considered necessary, a
7 recess may be called, or the hearing could be
8 adjourned. We will be recording tonight's public
9 hearing and the recording will be made available
10 on DEQ's YouTube meeting channel. Please note
11 that the public comment period for this draft
12 will close at 11:59 p.m. on October 27th, 2021.

13 I would now like to introduce the
14 principle Department Staff present, Melanie
15 Davenport, Director of Water Permitting Division,
16 Dave Davis, Director of Office of Wetland &
17 Stream Protection in the back, and Steve
18 Hardwick, Central Office, Virginia Water
19 Protection Permit Program, seated right over
20 there by the window. Melanie Davenport will now
21 provide a brief introduction.

22 **MS. DAVENPORT:** The Mountain
23 Valley Pipeline was issued an Upland 401 Water
24 Quality Certification on December 8th of 2017.
25 Virginia State law and the Virginia Water

1 Protection Program permit regulations specify
2 that in addition to the Upland 401, an individual
3 Virginia Water Protection Permit is needed for
4 certain gas pipelines, of which Mountain Valley
5 is one. A joint permit application for a
6 Virginia Water Protection permit was received by
7 DEQ on February 22nd, 2021, and as earlier
8 mentioned by Chairperson Wood, the draft VWP
9 individual permit and notice of these public
10 hearings were published in a number of local
11 newspapers. My role tonight is to call on folks
12 who have signed up to speak and I'm going to
13 apologize up front if either I have a hard time
14 reading your handwriting or I mispronounce your
15 name, and when you come to speak you can feel
16 free to correct my pronunciation. We do ask
17 before your comments that you give us your name
18 and we are going to call five people at a time to
19 please line up because that will help us get
20 through with the comments pretty efficiently.

21 **CHAIR WOOD:** At this time I will
22 call any Federal or State Legislators, or their
23 representatives that are indicated, who would
24 like to speak.

25 **VICE CHAIR WALLACE:** We do not

1 have anyone on the list.

2 **CHAIR WOOD:** So now we will call
3 on those individuals who indicated on the sign-in
4 sheet that they wish to speak, and again, I would
5 like to remind everyone that you have three
6 minutes to present your comments, and you should
7 be able to see the timer here behind me.

8 **MS. DAVENPORT:** Robert Cooper,
9 Jerry Adams, Tommy Oliver, Paul Nester, and
10 Michael Barber, please.

11 **MR. COOPER:** Madame Chair, Members
12 of the Board, good evening. My name is Robert
13 Cooper, I'm the Senior Vice President of
14 Engineering and Construction for Mountain Valley
15 Pipeline. Thank you for the opportunity to be in
16 front of you again today. On behalf of the
17 entire MVP team, I also want to thank the
18 professionals at DEQ for all of their hard work
19 over the last five years. We have found the
20 staff to be very thorough and demanding, but
21 always professional. I'm here to express MVP's
22 unreserved support for the comprehensive draft
23 Virginia Water Protection permit published by DEQ
24 and pending before the Board.

25 As Members of the Board are aware,

1 MVP obtained all necessary permits and approvals
2 to begin construction in early 2018. Work on the
3 project began at that time, and is now
4 substantially complete. Of the three hundred and
5 four miles of the pipeline, two hundred and
6 seventy-two were in ground.

7 Two notable areas of remaining
8 upland work include about eight miles in and near
9 Jefferson National Forest, and some of the route
10 in Roanoke County. The overall project including
11 interconnects and compressor stations, is more
12 than ninety percent completed. Our objective is
13 to complete the remaining sections of the project
14 as expeditiously as allowed, so that the right of
15 way could be fully restored and revegetated.
16 This is and has been since 2018 the best outcome
17 for water quality and the environment in
18 Virginia.

19 MVP is not asking you to approve
20 any new stream or wetland crossings; every
21 crossing of the permit application has been
22 previously reviewed by this Board and DEQ in 2017
23 and 2018. To develop the pending application,
24 MVP engaged in an exhaustive analysis to further
25 reduce the project's impacts. Through that

1 analysis, we were able to eliminate approximately
2 one-third of the stream and wetland open cut
3 crossings, and have a permit being considered by
4 the FERC to perform those as underground bores.
5 We have been vigilant about avoiding permanent
6 impacts to the stream and wetlands.

7 We are proud of the fact that
8 approximately ninety-nine percent of all stream
9 and wetland impacts will be restored when the
10 construction is complete. We have also committed
11 to a monitoring plan for those crossings for
12 years after construction is finished. If that
13 monitoring shows that streams and wetlands have
14 not been successfully restored as expected, we
15 have committed to developing adaptive management
16 action plans, subject to DEQ's review and
17 approval, to make things right. We have proposed
18 to provide mitigation credits for every stream
19 and wetland that is temporarily impacted by the
20 project. Mitigation credits are normally
21 provided only for permanent impacts, and we
22 understand our proposal is unprecedented for
23 construction projects in Virginia. MVP believes
24 that all of these efforts address the comments
25 that have ben issued by the EPA.

1 I will conclude by reinforcing
2 MVP's commitment to completing this project in an
3 environmentally responsible manner. You heard
4 people talk last night about the three hundred
5 violations during the early periods of upland
6 construction. Yes, we did have challenges during
7 the time when the Roanoke Valley had experienced
8 the highest levels of rain in over twenty years.
9 We suspended construction in problem areas, and
10 went to work with DEQ developing additional
11 protective measures. Over the last two years,
12 these measures have resulted in an exceptionally
13 strong compliance record under very difficult
14 conditions.

15 **MS. DAVENPORT:** Sir, if I can ask
16 you to read your conclusion, its three minutes.

17 **MR. COOPER:** My apologies.

18 **MS. DAVENPORT:** It's okay.

19 **MR. COOPER:** So in conclusion, we
20 believe that the actions we have taken and are
21 before the Board with this public hearing support
22 the approval of the permit in the December
23 meeting. Thank you.

24 **MR. ADAMS:** Good evening, thank
25 you for this opportunity. I'm Jerry Adams,

1 General Manager of the Roanoke Bar Division of
2 Steel Dynamics. The Roanoke Bar Division of
3 Steel Dynamics has more than four hundred thirty
4 employees in the Roanoke Valley, but it doesn't
5 stop there.

6 On average, for every one of our
7 four hundred and thirty teammates, there are
8 seven other jobs in the area that help support
9 our operations. These include industrial
10 contractors, mechanical contractors, electrical
11 contractors, parts suppliers, and various other
12 support services. This means our operation helps
13 support an additional three thousand jobs and
14 businesses throughout the Roanoke Valley. The
15 Roanoke Bar Division of Steel Dynamics is a
16 leader in the production of sustainable low
17 carbon emission steel products. These products
18 are the backbone of the infrastructure in
19 construction throughout the East Coast, and
20 across the Midwest.

21 We are one of a small number of
22 steel producers that exclusively uses electric
23 arc furnace technology. The raw product for this
24 technology is ferrous scrap metal, this makes our
25 facility one of the largest recyclers of ferrous

1 metal in the State of Virginia. We take scrap
2 metal and produce steel that builds our future.
3 Environmental sustainability is one of our
4 company's core values, we call it an
5 intentionally sustainable approach, and we are
6 committed to reducing our environmental footprint
7 and lowering greenhouse gas emissions.

8 Having a reliable supply of
9 natural gas is a major factor in our company's
10 ability to meet our emissions goals while
11 fulfilling the demand for our steel products.
12 The Mountain Valley Pipeline is critical to
13 meeting that need. The impacts of last
14 February's ice storm created a very real supply
15 issue, and this showed how important it is to
16 this region for MVP to be in service.

17 Our company supports MVP's
18 decision to offset pipeline's operational
19 emissions, we believe this is a good thing for
20 MVP, and a good thing for Virginia. The
21 construction of MVP has already been approved,
22 and most of the project work has been completed.
23 Mountain Valley's plans to cross wetlands and
24 streams under the draft Virginia Water Protection
25 permit are appropriate and responsible,

1 minimizing environmental impacts from
2 construction. Completing the remaining work
3 under the conditions of this permit will be the
4 best possible outcome for this region, and for
5 the Commonwealth. Reliable and affordable access
6 to natural gas is a key ingredient to making sure
7 the Roanoke Valley's economy is stable and
8 growing. Thank you for your time.

9 **CHAIR WOOD:** Thank you.

10 **MR. OLIVER:** Good evening Madame
11 Chair, Members of the Board. I am Tommy Oliver,
12 a resident of Franklin County, Virginia. I am
13 Vice President and Interim CFO for Roanoke Gas
14 Company. My comments tonight are intended to
15 rebut certain assertions and comments you have
16 heard about the need for the Mountain Valley
17 Pipeline.

18 Prior to joining Roanoke Gas
19 Company, I worked at the Virginia State
20 Corporation Commission for thirty years during
21 which I presented expert testimony in over a
22 hundred and twenty-five cases before the
23 Commission, a number of which involved the DEQ.
24 A public service company, Roanoke Gas has a
25 statutory obligation to serve all customers on a

1 nondiscriminatory basis. Based on this
2 obligation, in 2015 the company executed an
3 agreement to buy capacity on the MVP and made
4 certain investments to interconnect with the MVP,
5 specifically the Summit View and Lafayette Gate
6 stations. During the company's last rate
7 proceeding before the SCC, the prudence of these
8 decisions was challenged by a very vocal opponent
9 of the MVP.

10 After a fifteen month proceeding, the
11 Commission issued a final order in January of
12 2020, in which specific to the MVP it concluded,
13 and I quote, "Turning to the record, the
14 Commission finds that the company's decision to
15 construct the Summit View and Lafayette Gate
16 stations and the Lafayette Loop Line was
17 reasonable and prudent in order to provide
18 additional capacity to meet Roanoke's public
19 service obligations. This finding is supported
20 by, among other things, the following, and for
21 the sake of time I will not read all of the
22 findings, but some of the relevant ones to the
23 MVP are: These facilities are needed to procure
24 additional capacity to serve firm load. There
25 are no reasonable comparable alternatives.

1 Additional infrastructure is needed to serve
2 significant portions of the company certificate
3 of service territory in Franklin County.

4 As previously illustrated by comments
5 from the Franklin County Administrator, and
6 further testified by the company, the Summit View
7 Station is needed to support current economic
8 development in that county. The company has been
9 unable to increase its capacity, its firm
10 capacity since 2006. These facilities will also
11 provide operational and ancillary benefits to the
12 company system.

13 In conclusion, the SCC, the agency
14 created by the Constitution of Virginia to decide
15 matters of need for certain infrastructure
16 projects has rejected opponent's arguments
17 regarding need, and found that there is a need
18 for that capacity and associated gas the MVP will
19 provide Roanoke Gas's customers. Despite what
20 you may have heard, the SCC's determination,
21 which was not appealed to the Virginia Supreme
22 Court, is final. In addition, the FERC, the
23 Federal agency with regulatory authority over the
24 construction and operation of interstate
25 pipelines, has also found the MVP is needed over

1 the objections of project opponents. The FERC's
2 decision was appealed in the U. S. Court of
3 Appeals for the D. C. Circuit, which affirmed
4 that FERC's finding of need and all other aspects
5 of the FERC's order approving MVP.

6 **CHAIR WOOD:** Mr. Oliver...

7 **MR. OLIVER:** I'm done. Thank you.

8 **CHAIR WOOD:** Thank you.

9 **MR. OLIVER:** Thank you for your
10 attention.

11 **MR. NESTER:** Madame Chairman and
12 Members of the Board, good evening. I am Paul
13 Nester of Roanoke County, Virginia. Thank you
14 for your time and the opportunity to provide
15 comment. I'm the President and CEO of Roanoke
16 Gas Company, I am here on behalf of Roanoke Gas's
17 one hundred employees and sixty-three thousand
18 customers, some of whom are among the region's
19 most recognizable names, Carillion Clinic,
20 Yokohama, UPS, Roanoke College, Hollins College,
21 Lewis Gale and the Salem VA Hospital.

22 Roanoke Gas has proudly served
23 this community since 1883, our record speaks. We
24 have invested two hundred and fifty million
25 dollars in our gas distribution system over the

1 last twenty years, and donated two million
2 dollars to the community in that time frame. Our
3 Board has an average tenure of seventeen years,
4 we are not short term thinkers, our Board,
5 employees, and customers live in this region and
6 care about the environment. We are here for the
7 long haul.

8 Southwest Virginia needs more
9 natural gas. Since I last appeared before this
10 Board in 2017, Roanoke Gas has added over two
11 thousand, three hundred customers, including five
12 hundred and fifty-seven new customers in 2021
13 alone. The average consumer continues to demand
14 natural gas to cook and to heat their home and
15 water. We have exhausted all other supplies and
16 we need Mountain Valley Pipeline to serve our
17 community.

18 According to the Roanoke Regional
19 Partnership, this region's economic development
20 office since 2015, there have been four hundred
21 and eighty-one proposals that have considered
22 investments in this region. Of these four
23 hundred and thirty-one, or ninety percent, have
24 required natural gas. In the last three weeks,
25 just now in the month of September, we have

1 assisted the partnership with three opportunities
2 requiring significant natural gas that can only
3 be provided by the Mountain Valley Pipeline.
4 These three opportunities had an average
5 investment of three hundred and sixty million
6 dollars, and would create on average nine hundred
7 new jobs. It is imperative that Mountain Valley
8 be completed to attract these projects, create
9 job growth, and assist the average everyday
10 customer, especially low income residents, to
11 keep rates low.

12 My family and I live downstream
13 from the Mountain Valley's pending Roanoke River
14 crossing, and I actually live about one-half mile
15 from the Roanoke River. Our drinking water is
16 provided by the Roanoke River. I have as much
17 personal interest in water quality as anyone. My
18 family and I frequent the Roanoke River and Smith
19 Mountain Lake, and have done so for many years.
20 Water quality has not been compromised since the
21 on again/off again construction that started in
22 2018. Wildlife including birds, waterfowl, and
23 fish of all species in and around these waters
24 has never been healthier.

25 We believe DEQ's oversight should

1 be as stringent as it can be, and the proposed
2 Water Protection permit reflects that. We have
3 confidence that MVP's intensive analysis of each
4 remaining water crossing will more than satisfy
5 DEQ requirements and that water quality will not
6 be sacrificed. The MVP is largely complete, with
7 the necessary approvals over the coming months,
8 MVP can be done by the summer of 2022. I have
9 visited the project many times, including last
10 week, and observed temporary erosion and
11 sedimentation measures, as well as final
12 restoration. The future erosion and
13 sedimentation impacts would be eliminated by
14 final restoration.

15 **CHAIR WOOD:** Mr. Nester, three
16 minutes.

17 **MR. NESTER:** Yes ma'am. I
18 apologize, I'm just about done. On behalf of
19 this region, I respectfully ask that you approve
20 the Water Protection permit and the DEQ continue
21 its proper and thorough oversight of the Mountain
22 Valley Pipeline project. Thank you.

23 **MR. BARBER:** Good evening, Madame
24 Chair and Members of the Board. My name is
25 Michael Barber, and I'm an organizer with the

1 Labor Union. The Mountain Valley Pipeline draft
2 permit before you provides more protection of
3 water quality than the permit previously approved
4 by the Water Board back in 2017. Also, the DEQ
5 have previously reviewed every single crossing in
6 this application already. With the draft permit
7 being based on sound science and based on fact
8 analysis, I fully support the project and hope it
9 is completed and restored swiftly. Please
10 consider approving this permit, we need this
11 infrastructure improvement to enrich the region
12 and our country. Thank you.

13 **CHAIR WOOD:** Thank you.

14 **MS. DAVENPORT:** Chris Hurst,
15 Oludare Ogunde, Russell Chisholm, Louisa Day and
16 David Werner.

17 **DELEGATE HURST:** Good evening,
18 thank you Members of the Board. My name is Chris
19 Hurst and I'm the Delegate for the 12th District
20 in the Virginia House of Delegates, which
21 represents all of Giles County, portions of
22 Montgomery County, the City of Radford, and part
23 of Pulaski County.

24 Some thirty-five miles of MVP is
25 planned and proposed to be going through the 12th

1 District in Giles and Montgomery County. I think
2 it's unfortunate that part of the comments
3 previously, and something that I will address
4 here in my comments is, on the economic impact,
5 but you know, again, you all are the State Water
6 Control Board, and what we are trying to
7 determine here is what's going to happen to water
8 quality, not what's going to happen to the
9 economy, and it's certainly not what's going to
10 happen to the economy in Giles County or
11 Montgomery County, because I haven't heard
12 anything about any type of economic potential
13 benefit that's going to happen to the parts of
14 the Mountain Valley Pipeline that go through the
15 12th District.

16 But I have seen firsthand the
17 impacts of construction failures, I've heard
18 stories from folks that I represent who continue
19 to feel that that erosion and sedimentation
20 mitigation controls are insufficient. You all,
21 in coordination with the Department of
22 Environmental Quality in the last few years have
23 cited MVP for three hundred some-odd violations,
24 and lengthy fines. That wasn't done because they
25 simply had a bad rain season, it was done because

1 they fundamentally are flawed in the ways they
2 are trying to protect the drinking water and the
3 natural waterways that we have all throughout
4 Southwest Virginia.

5 As I mentioned, those violations
6 caused us to actually pass legislation in the
7 General Assembly to have stiffer fines and
8 penalties if you have bad actors. But when I
9 talked to folks on the ground who have been doing
10 the every single day work of inspecting those who
11 are doing that action, on a much more continual
12 basis than the General Assembly unfortunately has
13 funded for State agencies to be able to do on
14 their own. We know that violations are
15 continuing to occur and unfortunately are not
16 being addressed in a meaningful ways. That we
17 continue now as some water crossings are being
18 endangered, that now really the problems or
19 turbidity are upon us.

20 You can talk about no issues that
21 have happened prior to now for people's drinking
22 water, that's because they haven't been able to
23 do the water crossings yet, and you can't do this
24 open trench digging, you can't dam up people's
25 waterways and then expect that there's not going

1 to be long-term damage that happens to their
2 drinking water, to their well water, especially
3 when we're talking about so many of these feeder
4 waterways and tributaries are not continuously
5 full of water. And that's why it may look dry
6 right now, it may look like something that you
7 can open cut right now, but when we get rain, we
8 haven't had much this summer, we've had some here
9 in the harvest season, that's been great, but
10 when we get it, that's when the problems are
11 going to arise. And because in its determination
12 with DEQ that we haven't had those individual
13 stream analyses yet, and because some of the
14 modifications that were proposed from the EPA
15 have not been fully addressed in any of the
16 proposed mitigation circumstances that are now
17 before you here, there really is no actual data
18 that you are basing a lot of these decisions on
19 to get any type of baseline information for what
20 the water is and what the impacts are going to
21 be.

22 I will leave you with this,
23 because I know that I'm over my time, just
24 because I've been elected to office doesn't mean
25 I should have any more time to speak than the

1 general public, I believe that, but I will say
2 this. Your job is not over yet. This pipeline
3 is not fully constructed yet. There is still
4 more work to be done, more scrutiny to be had,
5 this is not a done deal. Do not let
6 institutional inertia allow the 12th District in
7 Giles and Montgomery County in particular, to
8 forever be irreparably harmed, with no plan on
9 how to make them whole. Thank you very much.

10 **CHAIR WOOD:** Thank you.

11 **MR. CHISHOLM:** Good evening and
12 thank you for the opportunity to comment on the
13 pipeline's draft water protection permit. I'm
14 Russell Chisholm, I live in Newport, Virginia, in
15 Giles County near Sinking Creek. My household
16 relies on a spring fed private water source from
17 an interconnected karst watershed area.

18 Please consider the analysis of
19 Lucy Land Monique DuBey published in Springer
20 Nature in 2007, which found that in examining the
21 effects of isolated crossing construction also
22 found an elevated total suspended solids
23 concentrations downstream of crossing sites.
24 These increases were associated with installation
25 and removal of pipeline construction

1 infrastructure as well as the leakage of
2 sediment-laden waters from an upland sump.
3 Construction of multiple crossings on a stream or
4 river, or within a watershed has the potential
5 for cumulative impacts on that system. In such
6 cases, the capacity of the system to recover from
7 impact may be exceeded and the detrimental
8 effects of crossing construction permanent. The
9 same may be said for the frequency of crossing
10 construction when given a system, rivers and
11 streams will have limited capacities to recover
12 from multiple impacts. Please think about that.

13 A peer-reviewed scientific journal
14 has recognized that the negative impacts from
15 multiple crossings in the same stream or in the
16 same watershed may be permanent. MVP proposes to
17 cross hundreds of streams and wetlands and
18 watershed systems, some of them multiple times on
19 or below steep slip-prone slopes, the kinds of
20 impacts described in the study would be serious
21 violations of Virginia's water quality standards
22 because they interfere with or even eliminate the
23 designated use of aquatic life support. The best
24 indicator of whether continued MVP construction
25 will lead to future impacts to these systems is

1 their already well-documented track record of
2 failure. Inspection and compliance reports to
3 DEQ and FERC contains scores of incidents of
4 where sediment was deposited offsite, some
5 blanketing water bodies, due to sediment control
6 devices failing or being overwhelmed, many of
7 these required in-stream clean up.

8 The Board should consider the
9 likelihood that the pattern will repeat itself
10 and do permanent harm to surface and groundwater
11 in karst areas where local residents rely on
12 private wells and springs. The exceptional State
13 water is important to quality of life and outdoor
14 recreation, such as Little Stony Creek and Bottom
15 Creek are also at risk from permanent cumulative
16 impacts. Teal's Creek is crossed seven times.
17 The Sinking Creek watershed, the Roanoke River,
18 and New River Basins contain hundreds of direct
19 tributary crossings.

20 I join other commenters in
21 referring you to the EPA's May 27th letter to the
22 Army Corps, this Board like the EPA should be
23 demanding to see more baseline information on
24 every water body, including benthic sampling,
25 that would be required to assess streams under

1 the Virginia Stream Condition Index. MVP's
2 application does not address how long a believed
3 temporary fill is in place, how those fills will
4 be removed, or how the applicant will restore the
5 aquatic resources impacted by the fills. In
6 conclusion, the EPA does not view this
7 application as complete, and they recommended
8 against approving the 404 permit application in
9 its current state, because it might violate water
10 quality standards. So the same deficiencies
11 should lead this Board to deny the requested 401
12 certification. Thank you.

13 **CHAIR WOOD:** Thank you.

14 **MS. GAY:** Good evening, Board
15 Members, I thank you for this opportunity to make
16 a comment. My name is Louisa Gay and I live in
17 Blacksburg, Virginia in the Mount Tabor area.
18 The recent draft issue by the DEQ in September of
19 2021 contains in its first paragraph the
20 following statement, quote, "The Board has
21 determined that there is a reasonable assurance
22 that this VWP permit if complied with will not
23 violate applicable water quality standards," end
24 quote. The word if, if is an assumption, and the
25 DEQ, as well as the Water Board, there is

1 cognizant that MVP has not proven to be a good
2 steward of Virginia's water bodies. Their
3 erosion and sediment control do not work in our
4 steep terrain, and narrow valleys where our water
5 bodies are situated. We frequently read MVP
6 compliance letters bemoaning a rain event of one
7 inch or less, which is not uncommon in this area.
8 With geotechnical surveys still outstanding,
9 among other concerns with the boring under these
10 eighty-three water bodies, it would be ill-
11 advised for the DEQ to issue any permit given
12 MVP's history of violations. The best production
13 of future MVP operations is their past
14 operations, and I refer to Delegate Hurst's
15 comments about the three hundred violations.
16 Thank you.

17 **CHAIR WOOD:** Thank you.

18 **MR. OGUNDE:** Good evening, Madame
19 Chairperson, Members of the Board. My name is
20 Oludare Ogunde, I'm from Richmond, Virginia. I'm
21 the cofounder and president of a nonprofit in
22 Richmond, and also the lead organizer for the
23 Laborer's Union in Richmond, Virginia.

24 I spoke yesterday and I spoke
25 about the public safety aspect of this, for our

1 returning citizens getting good quality jobs on
2 this pipeline. I am in support of the pipeline.
3 But I want to say something different today, and
4 I think the problem we have here in the United
5 States is that we argue ad nauseum about things
6 we should not be arguing about, right? You're
7 ninety percent complete on the project, and we're
8 talking about cancelling it after being almost
9 ninety percent done, this is wastage, I don't
10 even think we should be here debating this issue
11 at this stage of the project. That's number one.
12 And secondly, we are behind, this country we are
13 behind in infrastructure, and we are falling so
14 much behind every other country that we have to
15 keep going, because we are missing the essential
16 things for production. That is why you see
17 people in Franklin County complaining about
18 industries, companies not coming to that, to that
19 county, so were going to keep borrowing money
20 because we're depriving ourselves of the
21 infrastructure of the necessary things to have
22 our own production.

23 So let's think about that very
24 carefully, you know, I mean we can continue to
25 talk about this all day, all night, you know, and

1 keep falling behind China, and some other
2 countries. You know, before you know it, the
3 United States is going to become a third world
4 country because they're going in front of us and
5 we keep treading waters and keep saying the same
6 thing over and over again. Please I beg of you,
7 natural gas, you know, is going to make a lot of
8 impact in these rural communities, you know, and
9 I don't see any reason on ninety percent
10 completion, even if its sixty percent completion,
11 that we want to scrap everything we've done,
12 throw all this money in the trash, and say no,
13 don't let us do this. So I beg of you, this is
14 common sense, I don't have to cite science, we
15 know what is going on, you're ninety percent
16 there, let's make the remaining ten percent.
17 Thank you.

18 **MR. WERNER:** Good evening, my name
19 is Dave Werner, 225 Pine Street, Floyd, Virginia.
20 On February 12th, 2019, Todd Normane, Deputy
21 General Counsel for Equitrans Midstream, wrote a
22 letter to David Paylor in his role as Executive
23 Secretary of your Board. I'm going to quote just
24 a portion of that letter.

25 It says, while no large scale

1 construction project is ever perfect, we have
2 worked closely with DEQ staff to make adjustments
3 and enhancements following the extraordinary
4 rainfall conditions during 2018 that adversely
5 impacted this project and many other active
6 projects across Virginia. This cooperative
7 effort on the project has achieved a high level
8 of environmental protection and overall is in
9 very good order.

10 Now I have a letter that Mountain
11 Valley Pipeline actually publishes weekly, it's a
12 weekly report, which they report to FERC. This
13 one is dated September 17th, 2021, and it is
14 called a Weekly Status Report 201. In this
15 report, they kind of self-evaluate themselves,
16 and in this particular case it covers areas of
17 Spread G and H, which is Giles County, Roanoke,
18 Montgomery, Franklin, part of Franklin County.
19 Also in this report I comment that there were two
20 noncompliance reports and nineteen problem area
21 reports, and this just covers August and
22 September of this year.

23 A couple of those I want to point out to
24 you. Here's one from September 2nd in Spread G,
25 it says the twelve inch perimeter control

1 overtopped at 11366 plus 66, resulting in
2 sediment approximately twenty feet outside the
3 LOD, and a water bar end treatment at 11471 plus
4 00 over top, resulting in sediment approximately
5 two feet outside the LOD after a significant rain
6 event producing 2.9 inches in six hours. Here it
7 the noncompliance report, dated September 2nd:
8 Temporary BMP's were not put back into place at
9 the end of the day, resulting in sediment outside
10 the LOD. There were several other ones, one of
11 the most significant ones I will leave you with
12 is August 16th, sump and trans treatments were
13 overwhelmed, resulting in fifteen cubic yards of
14 sediment leaving the LOD, approximately seventy-
15 five feet after a significant rain event.

16 My point is, as good as Mountain Valley
17 has learned to do construction in this
18 environment, I just don't think it can be done,
19 and I think you, you should rule against them for
20 any more permits. Thank you.

21 **CHAIR WOOD:** Thank you.

22 **MS. DAVENPORT:** Stephen Stefanini,
23 Boucher Mooney, Harry Houser, Kay Ferguson, and
24 Michael Bentley, please.

25 **MR. STEFANINI:** Good evening and

1 thank you for holding this hearing. My name is
2 Steve Stefanini, and I'm here to speak in favor
3 of the permit for MVP.

4 Most people who don't work in
5 construction can't understand what it's like to
6 maintain a construction site for several years.
7 When work on the MVP started, the project had all
8 of its approvals and permits. We got started on
9 tree clearing, grading and preparing the right of
10 way. Then we had to stop. Now we have been
11 maintaining some of these areas for more than a
12 year, in some places it's more like two years,
13 maybe longer. Every time it rains, we're out
14 there fixing filter socks and clearing sumps.
15 We're rebuilding water bars, we've got a punch
16 list of tasks that we're doing every shift to
17 make sure we're keeping the dirt from leaving the
18 right of way. We have worked really hard on
19 this, and I think the crew has done an incredible
20 job. We had an unprecedented amount of rain back
21 in 2018, I think it was some kind of a record.
22 That was tough, but this company still stepped up
23 and put even more protections in place. Since
24 then, things have been as good as you can expect
25 from this type of a construction site and

1 environment. All these things have helped
2 protect the environment, but they are not as
3 effective as just finishing construction and
4 restoring the right of way. Once we restore the
5 right of way, everything but trees can grow
6 there. This should be the goal and that's why I
7 hope you will approve this permit. We have
8 already crossed streams and wetland, and we have
9 done that right. We're going to do the rest of
10 them right, too. Please approve this permit.
11 Thank you, and God bless.

12 **MR. MOONEY:** Thank you Madame
13 Chair and the Board Members. I'm Boucher Mooney,
14 by the way. Anyway, I'm here in support of the
15 MVP and I'm a proud member of the Pipeliner's
16 Local Union 798, and I'm currently employed on
17 the MVP from, by Precision Pipeline as a welder.
18 I have over thirty years' experience as a welder
19 and twenty-two of that has been in the pipeline
20 industry. I have worked on many major interstate
21 oil and gas pipelines all over this country, and
22 they are up and operating safely. And I can say
23 that the MVP is by far the most scrutinized
24 project I have ever seen in all of my years.

25 I urge the Board to approve and

1 issue this permit for the pipeline to cross the
2 streams, wetlands, so that the project can
3 progress and reach a completion. The restoration
4 of the right of way seemed to be the main concern
5 last night at the meeting that I attended from a
6 lot of the landowners, matter of fact there was
7 one landowner who is in favor of the pipeline but
8 he has had enough because his land can't be
9 restored because the, it's not completed and tied
10 in. Anyway, the best way to be, for that to be
11 achieved is to install it, get it through these
12 wetlands, let's get it tied in, complete our
13 hydrostatic testing, the line will be ready to
14 commit to the commission, and the restoration can
15 commence. The right of way crews can get on
16 there and do their thing, and get this thing
17 restored to a hundred percent the way it needs to
18 be, environmentally sound, and it can be done.
19 I've seen it in all other areas of the country,
20 steep terrain just like this, I've seen it
21 happen, and pipelines are up and running safely.
22 So I urge you to issue this permit so that we can
23 get finished with our job. Thank you for your
24 time.

25 **CHAIR WOOD:** Thank you.

1 **MR. HOUSER:** How you all doing
2 tonight, I'm Harry Houser, one of the members of
3 the Pipeliner's Union Local 798. I've been
4 building pipelines thirty years, since 2018 we
5 started this project. Had we been left alone and
6 this project went through at that time, half of
7 the environmental issues we would be dealing with
8 today wouldn't be so rough. So you know, there's
9 almost every major river in the United States has
10 a pipeline running across it, it's, it's the
11 safest form of transportation for any
12 hydrocarbon. Natural gas happens to be one of
13 the cleanest hydrocarbons you can use. Without
14 natural gas you can't build a windmill, you can't
15 build solar panels. So I urge you to pass this
16 water permit so we can get on and get this done,
17 get the right of way back, have grass growing on
18 it, and there will be a whole lot less
19 sedimentation, other than what's naturally occurs
20 anyways in all these tributaries. There's always
21 natural occurrence of both. Thank you for your
22 time, appreciate you.

23 **MS. FERGUSON:** I'm Kay Ferguson,
24 born and raised in Roanoke, currently in
25 Albemarle County. I want to talk to you about

1 three M's tonight, one is moat, one is math, and
2 one is monitoring. So I'm feeling very hopeful
3 about this moment and this opportunity, to deny
4 the 401 for the Mountain Valley Pipeline and stop
5 this project and its destruction. I think it's
6 great that it's come around to you again, and you
7 have another opportunity to make a different
8 decision. My community, I call them water
9 protectors for lack of more flattering terms, but
10 who necessarily share my irk in this moment, but
11 I'm sticking with it.

12 I just feel like we have been up
13 here, some of us for seven years, certainly since
14 2017 and we've been signaling to you, we've been
15 signaling to the Board across this moat of
16 silencing that the Virginia Department of
17 Environmental Quality and the Governors have put
18 up so that you can't see or hear or believe us
19 across this divide that keeps getting deeper and
20 wider and now is being filled with alligators. A
21 moat of silencing, a barrier between you, a
22 citizen Board and us, the citizens, the ones
23 you're supposed to hear and protect. I'm hoping
24 that you might be beginning to understand what
25 DEQ proves and what they tell you might be

1 biased, partial, and untrue.

2 I attended all the public hearings
3 on the first permit for the Mountain Valley
4 Pipeline and the Atlantis pipeline, and every
5 single person that I heard testify who did not
6 have money in their pocket or about to be put in
7 their pocket, or weren't anticipating money from
8 them in their pocket from the corporation, every
9 person with legal and scientific expertise said
10 you cannot do this in this terrain without
11 damaging the water. Every single one. The
12 blanket permit twelve was inadequate.

13 Well, it turned out they were
14 right, it was inadequate, and now that's been
15 suspended, it's now illegal. And even under that
16 permit, which was inadequate, hundreds of
17 violations were committed by MVP, hundreds. And
18 now they want to go around, they want a new
19 permit, they want a different set of rules. They
20 want a permit that's even more damaging to our
21 waterways.

22 And whenever anybody on the State
23 Water Control Board has sort of seen our signals
24 and stood up, they either go away pretty quickly,
25 or the Director of the DEQ and the lawyer,

1 whichever one from Mark Herring's office start to
2 tell them that, oh you've got to be so careful
3 here, you're going to get sued, you don't really
4 have the power to do anything. And if you talk
5 to these people offline or go and see what
6 they're trying to show you, you're exhibiting
7 bias. Now, the Director of the DEQ works for a
8 governor who takes large amounts of money from
9 this corporation. The lawyer from Mark Herring's
10 Attorney General's office works for a man who
11 takes large amounts of money from these
12 corporations, but that's not bias. But you
13 having a conversation with us, or coming out to
14 see what we're trying to show you, oh that's
15 bias. I hope, I hope that you are offended by
16 the most recent DEQ preemptive publication, that
17 you've already made your decision that you're
18 going to approve this, just like they have,
19 before we have had a chance to say anything or
20 you have had a chance to meet or make your
21 decision.

22 **CHAIR WOOD:** Ma'am, I need you to
23 wrap it up.

24 **MS. FERGUSON:** I'm going to wrap
25 it up, but I'm going to remain hopeful. I'm

1 going to remain hopeful that you will seize this
2 opportunity to do the right thing and deny this
3 permit and end this project. I didn't get to
4 monitoring, but I am going to say that, you
5 cannot add more and end up with less. It's code
6 red for the survival...

7 **CHAIR WOOD:** Ma'am?

8 **MS. FERGUSON:** ... of the
9 species...

10 **CHAIR WOOD:** Ma'am?

11 **MS. FERGUSON:** ... you can't keep
12 building more and have more emissions, and then
13 have less emissions, it won't work. Thank you.

14 **MR. BENTLEY:** Good evening, my
15 name is Michael Bentley. I want to say how my
16 wife and I, and our three children value the
17 clean air and clean water we have where we live
18 in Salem. Besides our dependency on them for
19 everyday life at home, we are avid participants
20 in outdoor recreation, hiking as well as canoeing
21 and kayaking on all three of our nearby rivers.
22 as well as some of the smaller tributaries. We
23 are concerned about how the Mountain Valley
24 Pipeline will affect our clean air and water, and
25 our enjoyment of our many outdoor activities in

1 Roanoke, Montgomery, Craig, Giles, and Franklin
2 Counties.

3 DEQ has not analyzed short term or
4 long term impacts of the pipeline on recreational
5 uses such as these, that would result from
6 construction or maintenance of the pipelines. My
7 expertise as a scientist tells me that the
8 Mountain Valley Pipeline will impair our water
9 quality. I believe the environmental impact of
10 the proposed pipeline has been greatly
11 underestimated, our area of Virginia, the ridge
12 and valley provinces underlain with karst
13 topography and soils that are not suitable to
14 support a forty-two inch diameter high pressure
15 natural gas pipeline ascending and descending
16 mountains at a steep angle. The Mountain Valley
17 Pipeline crosses two hundred and twenty-five
18 miles of high landslide risk areas, the most out
19 of all the pipelines analyzed in a study recently
20 published in Energy Policy. Already releases
21 from construction activities on the mountains
22 that resulted in downslope movement of sediment
23 and the pollution control measure proposed will
24 not prevent damage to streams where there are
25 steep slopes. A pipeline in this terrain is a

1 recipe for failure at the joints and all
2 pipelines leak. Leaks into karst terrain can
3 contaminate groundwater and b difficult if not
4 impossible to remediate.

5 The code red warning issued in
6 August by the Intergovernmental Panel on Climate
7 Change was startling. Our planet has already
8 warmed by 1.2 degrees Celsius over preindustrial
9 levels, and this has happened a full decade
10 earlier than predicted. Every year since 2013
11 has been warmer than the one before. The world
12 is warmer now that it has been in the last one
13 hundred and twenty-five thousand years. The rates
14 of warming are unprecedented compared to any time
15 in the past two thousand years. The climate
16 impact of the Mountain Valley Pipeline and its
17 compressor stations would be enormous.

18 The annual greenhouse gas
19 emissions from the project's full life cycle has
20 been projected at a total as much as ninety
21 billion metric tons. It's been calculated that
22 that's about like twenty-six coal-fired power
23 plants emit. The EPA has told the Army Corps of
24 Engineers that Mountain Valley Pipeline hasn't
25 shown its worth to justify this risky project.

1 The EPA indicated that it, quote, "Has identified
2 a number of substantial concerns with the
3 project," unquote, including, quote,
4 "insufficient measurement of secondary and
5 cumulative impacts and potential for significant
6 degradation," unquote.

7 **CHAIR WOOD:** Sir, I'm going to
8 have to ask you to wrap it up please.

9 **MR. BENTLEY:** So thank you very
10 much for your attention, and I appreciate it.

11 **CHAIR WOOD:** Thank you.

12 **MS. DAVENPORT:** Dan Crawford, Beth
13 Stockner, Ernest Kastning, Peter Anderson, and
14 Elle De La Canecela. I'm sorry, I can't read
15 your handwriting very well.

16 **MR. CRAWFORD:** Good evening,
17 Board, I'm Dan Crawford, Chair of the Roanoke
18 group of the Sierra Club, I reside in Roanoke.
19 Never before has anyone attempted to cross
20 terrain as challenging as the spine of the
21 Appalachians, with the pipeline anywhere near as
22 large as the forty-two inch MVP. Of course there
23 have been problems, including three hundred
24 violations of erosion and sedimentation
25 regulations, but especially challenging parts,

1 the especially challenging parts are yet to come,
2 like waterways, wetlands, interstates, railroads,
3 and such. The irreparable degradation of
4 freshwater resources, extreme risk of explosion,
5 these just begin a long list of reasons why this
6 has been a terrible idea from the start. But
7 let's look at the big picture.

8 Given the high volume of leaks, in
9 harvesting through fracking and transporting
10 natural gas, it's no cleaner than coal. Now as
11 we know, natural gas is ninety-eight percent
12 methane, an extremely potent greenhouse gas. Now
13 my biggest concern is the radical expansion of
14 fossil fuel investment and dependence in the face
15 of code red warnings. Virginia, the nation, and
16 most of the rest of the countries on earth are
17 committing to renewables in a last minute attempt
18 to avoid the worst effects of climate change. We
19 are world leaders in some fields, but in
20 renewable energy investment, we are woefully
21 behind. According to the Center for Climate and
22 Energy Solutions, China leads the world with
23 eight hundred and ninety-five gigawatts of
24 installed renewable energy, but we have two
25 hundred and ninety-two. It's time to face the

1 facts and abandon MVP before further harm is
2 done. Thank you.

3 **CHAIR WOOD:** Thank you.

4 **MS. STOCKNER:** Good evening, how
5 are you all doing tonight? Thank you for holding
6 this public hearing. I am Beth Stockner, and I'm
7 speaking in support of the permit for the MVP on
8 behalf of the Virginia Oil and Gas Association.
9 VOGA is a nonprofit trade association that
10 represents companies, partnerships, individuals,
11 and other entities across the Commonwealth with
12 an interest in oil and gas industry. Our
13 industry supports an estimated one hundred and
14 twenty-five thousand jobs across the
15 Commonwealth, and we have a long history of
16 supporting and encouraging development of these
17 resources in a safe and environmentally sound
18 manner. Our members live here, we enjoy the
19 outdoors, whether that's fishing, hunting, or
20 camping. It is important to us that our
21 industry's work is respectful and sensitive to
22 natural resources.

23 We feel the water protection
24 permit is protective of the streams and wetlands
25 that the MVP project would cross. MVP has

1 already crossed water bodies successfully, as
2 well as other linear infrastructure projects.
3 The extensive review of the MVP's plans and
4 strong oversight by Federal and State inspectors
5 insures that this work be done appropriately. To
6 date, work on the Mountain Valley Pipeline is
7 nearly complete.

8 The compressor stations and
9 original interconnections are already ready for
10 operation. More than two hundred and sixty-five
11 miles of pipeline have been welded and installed.
12 More than half of the right of way has been
13 restored. It is imperative that this project be
14 completed. Its capacity is fully subscribed
15 through long term contracts. The Federal
16 government has twice recognized that MVP is
17 needed to meet public demand. The pipeline will
18 play an essential role in providing natural gas
19 access to end users across Southwest Virginia,
20 and mid-Atlantic regions, including here in
21 Virginia where Roanoke Gas will draw from two
22 taps on MVP for local use.

23 Pipelines are safest way to
24 transport natural gas, we rely on pipelines every
25 day, even when thinking, even without thinking

1 about it, because they are safe and they are out
2 of sight. In fact, there's already natural gas
3 pipeline that crosses the New River less than 1.5
4 miles from Radford University, it also runs under
5 Spring Hollow Reservoir, and near Camp Roanoke.
6 Modern infrastructure can and does coexist safely
7 with natural resources. VOGA is proud to support
8 the construction and operation of the Mountain
9 Valley Pipeline project and we hope the Board
10 will agree. Thank you.

11 **DR. KASTNING:** Good evening, thank
12 you for having this hearing. My name is Dr.
13 Ernst Kastning, I'm a retired professor of
14 geology here at this institution, and my field of
15 expertise for over fifty years has been karst,
16 the groundwater in karst, and how karst operates.
17 I'm an academic person, I've published in that
18 field and so forth.

19 The reason I'm wearing a red shirt
20 today, it's not a political statement, if I were
21 doing that I would be wearing a green shirt. I'm
22 wearing a red shirt because it's one thing that I
23 need to say in the three minutes I have, and that
24 is karst is a red flag to anybody that knows all
25 aspects of geology. It requires specialized

1 attention by people who know the karst processes.

2 My colleagues who work on this
3 project with Draper Aiden, are friends of mine,
4 they are cavers like I started, but they don't
5 have that academic background to understand the
6 intricacies of karst. You cannot divorce karst
7 in the subsurface with the streams that are in
8 the surface, so if you're looking at stream
9 crossings, it's imperative that you also look at
10 that interconnectivity with the subsurface.
11 Anything that happens in the surface in a karst
12 terrain, or even upstream from there where the
13 water comes down on the karst terrain, it's going
14 to impact the subsurface. I want to call your
15 attention to two things, one is I wrote an eighty
16 page report in 2016 that fully describes all of
17 what, you know, I'm unable to speak about in
18 three minutes, all the details. Please look at
19 that, number one.

20 Number two, I just want to address
21 two specific sites that are extremely important,
22 one is Sinking Creek in Giles County where the
23 road goes up to Mountain Lake Resort, there's a
24 covered bridge there, and many of you may have
25 been there, that Sinking Stream is a

1 quintessential sinking stream in the Eastern
2 United States. It's been studied, we have two of
3 the longest dye traces in the Eastern United
4 States, go on each side of that crossing
5 potential crossings for the pipeline, five, five
6 miles or so of stream, underground tracing. The
7 U. S. Geological Survey is currently monitoring
8 that, they have a station there, because
9 somebody's aware that this could be a problem.
10 There's no way to cross that stream safely unless
11 you put the pipeline on a bridge, and that's
12 verboten, you can't do that. Okay?

13 The second place I want to address
14 and, and I'm just going to make this real quick
15 is Mount Tabor area, as part of Blacksburg and
16 that is a karst field, there's been a lot of dye
17 tracing. Will Ordor from the Department of
18 Conservation Recreation with the karst project,
19 read his material too, its impartial because he,
20 he did it, he's a State employee, and it shows
21 you just how extensive karst is. If we put the
22 pipeline through either there, Sinking Creek and
23 many other smaller karst areas, we're asking for
24 trouble.

25 Please take the time to learn

1 about karst if you haven't already. I know you
2 folks are really concerned about this, take the
3 time to learn the details, please. Thank you for
4 your time.

5 **CHAIR WOOD:** Thank you, sir. You
6 are able to submit your report also.

7 **MS. CANCELA:** Good evening,
8 Members of the Board, my name is Elle de la
9 Cancela, a Richmond resident and on behalf of the
10 Chesapeake Climate Action Network. I request
11 that State Water Control Board retract the Clean
12 Water Act 401 permit application. CCAN
13 represents over twenty-seven thousand people in
14 the Commonwealth, including folks who live along
15 the Mountain Valley Pipeline, but I come to you
16 not only in their stead, as many people are
17 unable to take the risk of an in-person meeting,
18 but as a Virginia resident who sees the danger in
19 continuing to permit a pipeline that will cause
20 irreparable damage to my home, both locally and
21 globally.

22 Firstly, the MVP has not made good
23 on its existing permits over three hundred times,
24 three hundred is a huge number, and it's
25 indicative consistently failing to implement best

1 mitigation practices, three hundred citations,
2 means that violating permits is business as usual
3 for the MVP. What does it mean to minimize harm
4 when MVP can't even adhere to that? And every
5 resource held protected by statements of, if
6 complied with, is in jeopardy.

7 MVP's history shows that if is a
8 small word with huge implications. And we need
9 to look at the project as a whole, it's a bad
10 investment, really poor implementation, it's
11 billions of dollars over budget, years over
12 timelines, and continues to fight legal battles
13 on all sides. It has yet to receive approval
14 from the 404 permit from the Army Corps of
15 Engineers, and the EPA has expressed its
16 disapproval of boring requests. Already years
17 behind schedule, you all heard it here, the MVP
18 is facing pressure to finish this project
19 quickly. How careful of a job can you be when
20 you're quick?

21 Granting permit for the MVP to
22 cross hundreds of waterways in Virginia is not
23 the best interest of its residents. It will
24 undoubtedly destroy areas of private and public
25 land, only to line the pockets of CEO's and

1 investors. MVP will not fulfill any energy
2 demand in the region, which has been and will
3 continue to be stagnant over the next decade, or
4 nationally according to the U. S. Energy
5 Information Administration, which released a
6 report earlier this year. So we cannot risk the
7 drinking water of our neighbors for corporate
8 greed.

9 The State Water Control Board
10 should have the interest of the public health and
11 the environment at the forefront, not supposed
12 projected and economic benefits. The MVP spells
13 doom for the planet at large. At a recent report
14 from the world's leading climate scientist rates
15 a code red, we need to stop all fossil fuel
16 infrastructure under construction, rapidly
17 transition to clean energy, and begin to
18 decommission older fossil fuel infrastructure if
19 we are to insure a livable planet. We cannot
20 look at this permit individually and not consider
21 what green lighting this pipeline will mean for
22 our planet. The worst effects of climate change,
23 which is anthropogenic and caused by carbon
24 emissions are yet to come. MVP's projected
25 emissions would equate to building twenty-six

1 coal-fired power plants. We need to stop it now
2 or face the consequences, including more
3 devastating and more frequent storms, and that
4 can't be offset with permits. And I realize that
5 I'm out of time, but I urge you all to do what is
6 right and thank you so much for your time.

7 **MR. ANDERSON:** Good evening,
8 Chairperson Wood, Members of the Board, Director
9 Davenport. My name is Peter Anderson, I'm the
10 Virginia Policy Director with at Watch and
11 Voices, a 501(C)3 nonprofit organization. We
12 oppose certification of the project for several
13 reasons, but I'm going to limit my comments today
14 just to Virginia's anti-degradation policy. In
15 short, there are three tiers of waters in
16 Virginia, I'm going to address Tiers 1 and Tiers
17 2 in my comments.

18 Tier 1 is the lowest quality, and
19 Virginia regulations command that at minimum
20 water quality must be maintained such that
21 existing uses shall be maintained and protected.
22 For Virginia's Tier 1 waters, there is no
23 additional capacity to accept additional
24 pollutants of the type that is impairing that
25 water. Mountain Valley's application does not

1 identify these tiers for the water bodies that it
2 plans to cross, but FERC has stated that the
3 pipeline would cross thirteen Tier 1 streams in
4 Virginia. A 2018 review by Hanson, et al,
5 determined that at least two of those waters,
6 Little Creek and Teal's Creek, are biologically
7 impaired due to excess sediment. We know that
8 MVP has proposed crossings will add sediment,
9 however, Little Creek and Teal's Creek cannot
10 accept additional sediment while maintaining
11 their existing uses. Sedimentation is persistent
12 in nature. Any additional sedimentation into
13 Little Creek or Teal's Creek is per se a
14 violation of water quality standards because it
15 violates Virginia's anti-degradation policy.

16 Moving to Tier 2, Tier 2 waters in
17 Virginia are simply those where water quality
18 currently exceeds the minimum water quality
19 standards. The quality of these waters may only
20 be lowered if you, the Board, determine, makes a
21 finding that allowing lower water quality is
22 necessary to accommodate important economic or
23 social development. While Mountain Valley did
24 not categorize the tiers of the waters it plans
25 to cross in Virginia, in the absence of data

1 Virginia's guidance presume that waters are Tier
2 2.

3 To determine whether degradation
4 will occur requires a calculation of baselines
5 for all pollutants at issue, and here we are
6 talking about sediment and turbidity. However,
7 Mountain Valley has not determined existing
8 sediment levels in the Tier 2 waters it proposes
9 to cross, which is presumably most of, most of
10 the crossings are Tier 2, and it has not
11 determined how much sediment the proposed
12 crossings will add to those waters. This kind of
13 quantification is possible through the use of
14 modeling techniques to predict the turbidity and
15 suspended solid concentrations that would result
16 from pipeline construction, but this analysis
17 simply has not been done. How can you, the
18 Board, answer the question of whether or not
19 there will be degradation without considering the
20 present condition of the water body at issue? It
21 is impossible to conduct the anti-degradation
22 review required by State and Federal law without
23 this information.

24 In its May 27th comments on the
25 project, the U. S. EPA emphasized the need for

1 baseline information for every proposed crossing,
2 citing the potential for quote, "Significant
3 degradation as one of the several reasons why the
4 Agency recommends the permit not be issued." The
5 degradation that EPA predicts is necessarily a
6 violation of the State's anti-degradation policy.
7 It's my last sentence here. In accordance with
8 the current Federal rules implementing Section
9 401 of the Clean Water Act, this Board can and
10 must deny certification based on lack of
11 information that would be needed to assure the
12 discharge from the proposed project will comply
13 with water quality standards. Thanks.

14 **MS. DAVENPORT:** Mr. Joshua Vana,
15 Larry J. Williams, David Butterworth, David
16 Mitchell, and Jason Crazy Bear Keck.

17 **MR. VANA:** Hi, Joshua Vana, I'm
18 co-director of ARTivism Virginia, I live in
19 Albemarle County. I will speak to a couple
20 things here, and I will be submitting some other
21 comments in writing.

22 If I were on the Board I would be
23 getting pretty tired of this, I would have been
24 tired of this probably the first time around back
25 in 2017, but the longer we believe in the magical

1 thinking that DEQ expects the Board to believe
2 in, the longer this nightmare is going to be
3 drawn out for everybody, for everyone in this
4 room inciting it, everyone who has lost a farm,
5 everyone who is not able to be here because maybe
6 they're doing their own water quality monitoring
7 on their property where the pipeline is going
8 through. Magical thinking that even with
9 hundreds of water quality violations, everything
10 is, everything's fine. This magical thinking,
11 expectations enabled by even, even in the State
12 Water Control Board meeting this afternoon,
13 Melanie Davenport could not report on how
14 complete MVP was. And we all repeat, and repeat,
15 and repeat, and repeat the ninety-two percent
16 figure that comes from Natalie Cox, which is
17 clearly not the case. And anyone from any
18 organization in this room who's not the industry
19 could tell you that.

20 The same expectation of magical
21 thinking is enabled by language like a reasonable
22 assurance, what did the reasonable assurance mean
23 the first time when the water quality
24 certification was issued? Clearly it didn't mean
25 a damn thing. It didn't, didn't mean, it didn't,

1 it wasn't worth the paper that it was printed on.
2 What, what do the words if complied with mean?
3 That language is in this draft certification. If
4 complied with? That makes the certification
5 totally meaningless. It just says, comply with
6 it, or not, your choice. We don't care.

7 Third, the magical thinking
8 expectation is enabled by, by DEQ then, then
9 following up all the disasters happening along
10 the route by, oh we're underfunded and
11 understaffed and we just can't keep up. We
12 can't, well how about don't, why, why does the
13 DEQ want the Board to issue permits that DEQ
14 cannot enforce? And it turns out, has no plans
15 on enforcing them. There's no plan. There's no
16 plan. I'm watching my time here.

17 I would like to just part with a,
18 if the Board unfortunately issues this permit,
19 and it should not, and it's going to be too late,
20 because you won't be able to revoke it, because
21 of some ridiculous thing that the Attorney
22 General tells you that you can't do. If this
23 pipeline ever goes operational, and a lot of
24 people from the industry here would have you
25 believe that pipelines never explode, Leach

1 XPress, Moundsville, West Virginia in 2018, the
2 Revolution pipeline in Beaver County,
3 Pennsylvania, 2018 landslides, both of them
4 exploded. And I saw the aftermath of the
5 Revolution pipeline with my own eyes and it ain't
6 pretty, and it's a hell of a lot smaller than MVP
7 is, it's not a forty-two inch. Forty-two inch
8 has not been run up and down these steep slopes,
9 it's insane, it's time to stop the madness. You
10 can use your power to stop the madness. And you
11 know every one of you up here on this stage, you
12 know that you would not want it in your backyard.

13 **CHAIR WOOD:** Mr. Vana, you're at
14 time.

15 **MR. VANA:** And you would not want
16 David Paylor telling you, as he told the folks in
17 New Fork in August '17...

18 **CHAIR WOOD:** Mr. Vana, you're at
19 time.

20 **MR. JOSHUA VANA:** ... that if
21 someone's well is wrecked they would have to just
22 find another source of water. Do you want to?

23 **MR. WILLIAMS:** Good afternoon,
24 ladies and gentlemen, my name is Larry J.
25 Williams, I served on the Giles County Board of

1 Supervisors for twenty years. I was, I was on
2 the Board when this project was proposed and when
3 it come to this and shows first draft of it,
4 that we really wasn't happy, the biggest thing
5 was we wasn't happy with it, was the route. It
6 went right through our little community of
7 Newport and we, we hate to see that happen. But
8 the, we asked them to look at rerouting it around
9 Newport, and I will have to say they did come
10 over and met with us and looked at it and, but
11 the proposals that we had, the slopes were too,
12 the size of slopes were too steep, they said it
13 couldn't be done. So anyway, later on that year
14 FERC approved the project, they come to Giles and
15 started the project, they cleared all the,
16 cleared all the right of way through Giles, and
17 put up all the erosion control and went through
18 our farms, took all of our fences down, and we've
19 been waiting now four years to get our land back.

20 I've got farmers that had their
21 cattle, feeding them now for over two years,
22 feeding them year round because they can't get
23 them turned out. I farm myself, and this project
24 went through three farms that I operate, and I've
25 got, I've got probably over a hundred acres of

1 land I can't even use. I, I work, I work along,
2 along the pipeline route just about every day and
3 I'd like to say the Mountain Valley I think has
4 done a good job with erosion control for what
5 they had to deal with. We've had some isolated
6 storms that's dropped out four, five inches of
7 rain in two or three hours, and it, it's hard to
8 do anything with that, but they got right on it
9 and took care of it, I'll have to say they've
10 done a good job with it. So I'm urging you to,
11 urging you to approve this project, approve the
12 permit so they can finish this project. And I
13 understand they don't have but about eight miles
14 left to do in Giles, so we can get our land and
15 grass back over, our fences put back up, and then
16 life get back to normal.

17 I've got one other comment, Mr.
18 Hurst made a comment a minute about he didn't
19 know of anything any, anybody in his district
20 this was going to help. If Mr. Hurst would come
21 over and visit Giles County a little more often,
22 he would learn that our major, one of our major
23 industries, one of our major industries in Giles
24 County is hoping to hook onto this gas line,
25 they're burning over three hundred tons of coal

1 right now and they're hoping that they can access
2 this gas line. And I put my faith in, in the
3 Water Control Board and DEQ that they will see
4 this project is finished right. Thank you for
5 your time.

6 **MR. BUTTERWORTH:** My name is David
7 Butterworth, I didn't register to speak but I
8 took up your time last night and I still come in
9 support of this project, so.

10 **CHAIR WOOD:** I'm sorry, you are?

11 **MR. BUTTERWORTH:** I signed, I
12 signed up to attend the meeting only, but I did
13 not want to take up more of your time, but I'm
14 still here...

15 **CHAIR WOOD:** Okay.

16 **MR. BUTTERWORTH:** ... in
17 representation of Local 798, and I still support
18 the project.

19 **MS. DAVENPORT:** His name is on the
20 list.

21 **CHAIR WOOD:** Yes.

22 **MR. BUTTERWORTH:** So, we good?

23 **MS. DAVENPORT:** Yes.

24 **MR. BUTTERWORTH:** Thank you.

25 **MR. 'CRAZY BEAR' KECK:** (Speaks

1 Native American.) That's just a greeting in my
2 language of Choctaw, albeit it's a shortened
3 version, but I am called to say it at a function
4 and forum like this, and just understand without
5 the translation all of those respectful welcoming
6 were in that greeting.

7 In a more civilized time in our
8 story, you know, the shadowing story behind
9 history, and a more civilized time I could be up
10 here advocating for the actual rights to the
11 water itself, that's sacred creation that gives
12 life, carries life even in a woman's womb, but
13 because we are here now and there is no actual
14 English, colonized English descriptive way to
15 talk about that, I had to do it from the laws and
16 the things that your institutions care about,
17 which speaks to the human beings, so if we're
18 talking about the human beings lives, it's the
19 only thing I can advocate for. And the human
20 beings lives that are in danger of this pipeline,
21 if you would just go out there and look on the
22 fields of where they have left it, I'll tell you
23 I do feel for my workers of the pipeline, because
24 I started thirty-two years ago right out of high
25 school in the Steel Workers Union, and I remember

1 when we sold out my union to China, to their
2 steel, and my foundry closed, and I had to find a
3 different steel and a different job, so I feel
4 for these pipeline workers.

5 However, now we're buying those
6 pipelines from China and they're sitting out
7 there on the wasteland where MVP is just leaving
8 them to be corroded, so by the time they are
9 actually put in the ground, if so, they're going
10 to leak. Not if, they're going to leak. They
11 were going to leak when they were in good
12 condition because the China quality steel is not
13 the same that I poured thirty-two years ago. So
14 the best thing to do with the money is to fix the
15 pipelines that were made then when me and my
16 ancestors were pouring steel, fix the leaks and
17 potential problems with them, instead of taking
18 this cheap China steel, corroding as we speak,
19 trying to kill everything living around it, to
20 create this new shiny pipeline that's just a
21 shiny thing for the investor, nobody in the, on
22 the ground makes money.

23 My community doesn't make money,
24 West Virginia, the people on the hill, Virginia,
25 North Carolina, all the places it's going don't

1 make money. Guess what? All this talk about
2 domestic use, they only started having that talk
3 when we figured out it was for international use.
4 Most of the states, that they don't need the
5 domestic upgrade. Most of the states are clear
6 that the people are fine, they're making numbers
7 of how many children are going to be born and how
8 much gas things they're going to use, I would
9 hope that my children, when they are born, they
10 don't have to use gas anymore.

11 So all I have to say is, I have
12 nothing left to leave you from the water
13 protective side, but our truth, I don't have any
14 money to pad any politician on either side of the
15 political spectrum, but my truth, I would hope
16 that it is more powerful than every lie MVP has
17 ever told. And I would hope that it would free
18 more people than the ancestors than MVP's slaves
19 that they've ever sold. Thank you.

20 **MS. DAVENPORT:** Just want to make
21 sure that David Mitchell does not want to speak?
22 Is that correct?

23 **MR. MITCHELL:** No.

24 **MS. DAVENPORT:** Okay. We're
25 moving on then. Daniel Arriaga, Andres Garcia,

1 Grace Tuttle, Peter Jenson, and Crystal Mello.

2 **MR. ARRIAGA:** Hello, my name is
3 Daniel Arriaga and I'm out of Local 980, and I
4 want to thank you guys for letting me speak here
5 today. I just want to say that I'm here in
6 support of the pipeline. I have worked in
7 construction for many years, and I've also worked
8 for chemical companies in different states with
9 their construction projects and the environmental
10 regulations, that have been put on MVP are some
11 of the strictest that I've seen in all of my
12 experience, so. They are doing a good job,
13 whenever, just one aspect, whenever it rains,
14 they have people that drive the roads, check the
15 right of ways constantly, looking for issues that
16 need to be fixed, and they jump on them as soon
17 as possible, and they fix them. And that's all I
18 have to say. Thank you.

19 **CHAIR WOOD:** Thank you.

20 **MR. GARCIA:** Hello, thank you for
21 letting me speak tonight. My name is Andres
22 Garcia and I live in Newport News, Virginia. I
23 am for the permit that's being talked about
24 today. I have worked pipeline for about five
25 years now and I've worked construction since I

1 was out of high school. I've never seen a
2 project with so many rules, so many things we had
3 to do, as soon as a storm comes, and I'm one of
4 the ones that's out there every day as soon as a
5 storm comes, soon as this one passes, during the
6 storm, walking the right of way, fixing
7 everything that goes wrong with it. There's only
8 so much you can do after a storm, you're not
9 going to beat Mother Nature. The best way to get
10 things back in order and in compliance to finish
11 the project is to get everything back the way it
12 was before we were even there. Thank you.

13 **MS. TUTTLE:** Good evening,
14 Members of the Board, Director Davenport, my name
15 is Grace Tuttle and I'm speaking tonight in my
16 personal capacity. I'm a resident of beautiful
17 Bath County, Virginia, a place that almost shared
18 the same fate as those places scarred by the
19 Mountain Valley Pipeline.

20 I'm going to start by saying that
21 FERC itself said this project was fifty-two
22 percent complete, not ninety-two percent. As I
23 shared last night, the EPA has already said in no
24 uncertain terms that the 404 permit as proposed
25 may violate the Federal Clean Water Act. Their

1 concerns extend to this 401 permit, which I hope
2 you deny. But that's not what I'm going to talk
3 about tonight.

4 I came back to speak to you as my
5 fellow human beings. I'm here to be vulnerable
6 because speaking truth to power goes directly
7 against the vested interests of the patriarchal,
8 destructive capitalism that has landed all of us
9 here today. I am afraid. I am afraid of what my
10 future will look like, I'm afraid for my favorite
11 birds, my favorite insects and plants, I'm afraid
12 for the cool Bath County spring water that I
13 drink every day, and I'm afraid to even bring
14 children into this world for fear of what their
15 future may look like. But when I'm with these
16 passionate people here tonight, these stalwart
17 people who have relentlessly fought for what is
18 right, even though I am afraid, I will say what
19 needs to be said and that is the truth even if my
20 voice shakes.

21 To all of those in the crowd who
22 support this permit, I don't want you out of
23 work, I want you to make good money, feed your
24 families, have great health care, great housing,
25 and do what you love. I want Appalachia to

1 evolve into the thriving, lush, culturally rich
2 place we all know it is. I want all life, not
3 just humans, to come first. I too come from hard
4 scrabble Appalachian people, who worked in
5 factories, served in the Army, and scratched a
6 way out of poverty for me to be talking to you
7 tonight. We are not so different, in fact, this
8 fight needs you, we need your skills, if we stand
9 any chance of turning this trajectory to climate
10 catastrophe around.

11 Where is your outlaw spirit? Like
12 that gentleman last night said, where is you
13 bootleg liquor moonshine making Appalachian
14 outlaw spirit? Hasn't our Appalachia sacrificed
15 enough to this perpetual altar of industry?
16 Hasn't our mother given enough of herself? Maybe
17 it's because you're from Oklahoma and Texas,
18 instead of Franklin, Montgomery, Giles, Roanoke,
19 Pittsylvania, North Carolina, West Virginia. You
20 can feel in your heart that we need to change,
21 and we need to return or come for the first time
22 ever to a way of being that is respectful,
23 loving, and in partnership with our precious
24 earth. We cannot go on this way.

25 In order for us to change we have

1 to face who we are and what we've done, we have
2 to feel it, deep down it hurts you to hurt the
3 earth. Sit for a second in silence and feel how
4 the truth creeps in. You are part of the earth
5 and its part of you, the structures that protect
6 the destruction of earth, human supremacy and
7 greed will crumble when they can no longer
8 support the weight of our delusions. I'm going
9 to close with words of...

10 **CHAIR WOOD:** Wrap it up, please.

11 **MS. TUTTLE:** ...I'm almost
12 wrapping up, thank you, from one of my favorite
13 authors, Denise Wright, quote, "This is for
14 everyone, but it is especially for young people
15 in hopes that given all the bad you start
16 building, not skyscrapers, not oil rigs, but
17 lives that make sense, that contribute to a
18 lighter...

19 **CHAIR WOOD:** Wrap it up, please.

20 **MS. TUTTLE:** ... more intelligent
21 and more beautiful way of living on the earth,
22 lives lived as far outside and beyond corporate
23 control as possible, and in doing so you find
24 meaning, that you attain higher planes before
25 drugs...

1 **CHAIR WOOD:** I'm only going to ask
2 you one more time.

3 **MS. TUTTLE:** ... before alcohol
4 enslaves you, that you would have a country of
5 love that you find happiness. Thank you.

6 **MR. JACKSON:** Hi, my name is Pete
7 Jackson, I'm the Conservation Chair for the local
8 Trout, Unlimited, the New River Valley Chapter of
9 Trout Unlimited.

10 For the last three years we have
11 been testing Little Stony Creek. Little Stony
12 Creek is in Giles County, it is a Class A trout
13 stream. It is a major tourist attraction for the
14 area as well. We've created the baseline in that
15 testing within the last three years and I assure
16 you that this is fraught with all types of
17 trouble when they cross a stream.

18 The professor has mentioned that
19 there was karst, there is karst in that area,
20 underneath the stream there is also caving from
21 the limestone plant that's located nearby. In
22 September of 2018, this, these sinkhole areas and
23 the cave in collapsed and the stream disappeared.
24 And that section, in the primary section, in the
25 exact location that it proposed for the pipeline.

1 We have no idea how that pipeline is going to be
2 supported when it goes through this caving and
3 this karst area.

4 No one has addressed this with Big
5 Stony, and Big Stony is an incredibly active cold
6 water fishery. And so I assure you, and with our
7 testing, and our protocols that we have been
8 doing with this testing, it is fraught with
9 danger, and no one has attempted to tell me how
10 they are going to drill underneath this river and
11 supporting that pipeline and open cave. We know
12 it's an open cave because it has sunk. It is,
13 that river disappeared three years ago. It's
14 just like Chicken Creek, it is much, but normally
15 the water flows are so strong that it fills these
16 caves with water, and that's why you still have a
17 water flow across it. But if there is low water,
18 this stream goes dry.

19 If you open this cave up to a
20 forty-two inch pipe, I assure you there's no way
21 to support that pipe. And no one has addressed
22 this. These are my charts. My concerns, we have
23 addressed that to a lot of folks, and there has
24 been no specific proposals from you or from other
25 State agencies on how they're going to cross Big

1 Stony. Thank you.

2 **CHAIR WOOD:** Thank you.

3 **MS. MELLO:** Hi, my name is Crystal
4 Mello, I live in Eastern Montgomery County, I
5 want to thank you all for making it here because
6 it's very hard for us to make it to Richmond to
7 voice our concerns about the Mountain Valley
8 Pipeline.

9 I have a letter here from a woman who
10 couldn't make it because she's ninety-one and has
11 lived in eastern Montgomery County her whole
12 life: I am greatly concerned about the damage
13 that will be done to our community when MVP
14 attempts to burrow under the railroad tracks,
15 Roanoke River, and 460 Highway in Elliston. I
16 can visualize a major disaster, that is what has
17 already been happening in our mountainous
18 community. We have a huge scar with muddy runoff
19 after each rain. Citizens have complained of
20 contamination of their water supplies, but have
21 not found help. Others complain that trees have
22 been removed, and have ruined their property.
23 Please protect us from more destruction of
24 properties. Nature is dear to us in this rural
25 community.

1 And I told her she had to tell you all
2 who she was. She said, "I am a ninety-one years
3 old and I have been a resident of this area all
4 my life. I have been a teacher and have seen
5 children from birth to adulthood in our
6 communities and schools. I love this area and
7 the people here. I have never experienced the
8 scene of destruction to our hills and valleys as
9 has been done by the MVP pipeline project.
10 Please help us retain our way of life here in
11 Charlottesville Elliston community."

12 I also want to read another message from a
13 friend who lives alone: I know they talk about
14 the fishing and its great here, is great, but it
15 hasn't been great for the people that live about
16 a mile down from the cove situation that Mountain
17 Valley Pipeline had to abandon a couple years ago
18 because they couldn't stop the water from
19 running. John McClouchen said that they
20 abandoned that site due to safety to their
21 workers and the integrity of the ground. So they
22 would be back that spring to start again when it
23 was less dry, it's been two years. They ripped
24 up everything around us and still have not yet
25 attempted to bore under 460 because they can't,

1 they've hit water on both sides. They're going
2 to collapse 460 into such train tracks. So in
3 regard to water quality, because we're not
4 scientists, everybody in here today is really,
5 really smart, we're a working class poor folks in
6 Eastern Montgomery County who rely on ourselves,
7 because we're not getting any help from you all.

8 It says, "We've noticed that the water
9 is a lot muddier than ever." And granted her
10 husband is, was in support of the pipeline, used
11 to get on my case all the time about this. It is
12 much muddier. "Our fishing, which any given time
13 we could pull twelve fish and that was on a slow
14 fishing day with my grandson, now it seems like
15 fish have dropped down and we're lucky to get
16 three, and we do practice catch and release. The
17 sediment on the bottom is also mucky and just
18 slick, it didn't used to be that way. This is
19 the runoff. These are the things that are being
20 affected further down."

21 I can't give you statistics, I'm not
22 smart like that, but I do live in this community,
23 I am a part of this community, we river raft, we
24 do all the things, that's real knowledge. I'm
25 telling you this is a dangerous project. What's

1 happening in Elliston is going to be a huge
2 issue. We need you to help us. Roanoke Gas is
3 full of it, they claim they want to help their
4 lower income customers? Well, they raised the
5 price up on them for their less than one percent
6 stake in this, so it's not just about the water,
7 its about the people that are being affected by
8 these greedy people...

9 **CHAIR WOOD:** Thank you.

10 **MS. MELLO:** ... and I hope MVP
11 speaks today.

12 **MS. DAVENPORT:** Bridget Kelly-
13 Dearing, Tammy Belinsky, Mara Robbins, Lynda
14 Majors, and Tina Smusz.

15 **MS. KELLEY-DEARING:** Good evening,
16 thank you for allowing me to speak tonight. My
17 name is Bridget Kelley-Dearing, I'm from
18 Lexington, Virginia, and I'm here to ask you to
19 deny this certification. I'm taking my time to
20 speak honestly about how the DEQ, FERC, and yes,
21 even this body, the State Water Control Board has
22 not been doing their job to protect the water of
23 Virginians.

24 When I first learned that I was
25 having to fight the DEQ and State Water Control

1 Board to protect the water on my beloved
2 homeland, I was shocked and in disbelief that
3 ever since 2015 I have done everything in my
4 legal power to stop this pipeline from the
5 destruction it wields, to no avail. The hoops we
6 jump through for our regulatory agencies were
7 only that, hoops to satisfy the lie that we are
8 being careful with our resources for our future
9 existence. We are not.

10 We have discovered the hard way
11 that the agencies we are supposed to trust to
12 protect us are actually working to insure
13 projects like the Mountain Valley Pipeline will
14 be completed. Time and time again, long before
15 the Mountain Valley Pipeline received its
16 certificate from FERC, we had been asked to
17 present our comments to our regulatory
18 organizations and we have done so with meticulous
19 scientific reports written by experts in the
20 field. These requests were given a cursory look
21 over, responded to unsatisfactorily, and the
22 regulatory agencies then continued on with their
23 plan to support the Mountain Valley Pipeline,
24 effectively dismissing us again. Citizens just
25 don't trust our regulatory agencies anymore. I

1 know landowners who have their imminent domain
2 cases in August 2022, but their properties look
3 like the pipeline is nearly in the ground.

4 If a company is allowed to change
5 their intentions after permitting for things like
6 who benefits, public need, or public, or
7 corporate gain, or how waterways will be crossed,
8 cross cut or bore drilling, and the regulatory
9 agencies accept them, then our government is not
10 protecting us, but is in fact working for the
11 corporations and they are absolutely lying to us.
12 I heard a lot of talk in the beginning of this
13 meeting about the need for this pipeline. I have
14 an audio recording from an early Roanoke County
15 Board of Supervisors meeting in which NEXterra
16 executive told us that absolutely none of this
17 gas would be sold overseas. Now they openly
18 admit that gas will be sold overseas. Mountain
19 Valley has failed to present and the DEQ did not
20 consider the full impact of this pipeline project
21 on streams and wetlands.

22 When the Mountain Valley
23 Pipeline's initial attempt to use a blanket
24 permit was waylaid by legal challenges, they
25 changed course and applied for the State level

1 401 permit in order to authorize a Federal Clean
2 Water Act, Section 404 permit to discharge,
3 dredge, and fill material from construction into
4 our waterways, which are under jurisdiction by
5 the Corps of Engineers. And they are very eager
6 to begin open cut crossings and discharge their
7 dredge and fill into these water bodies. Why is
8 the Mountain Valley Pipeline withholding a full
9 description of the likely impacts from the
10 remaining work to be done under their new plan?
11 The reason I think is because they cannot cross
12 these waterways as planned without causing
13 unacceptable damages and violating State and
14 Federal laws.

15 **CHAIR WOOD:** I'm going to need you
16 to wrap it up, please.

17 **MS. KELLEY-DEARING:** Okay. I
18 repeat, Mountain Valley Pipeline has not provided
19 the information necessary to show that it can
20 comply with Virginia's water quality standards
21 and I'd like to add that it sickens me to hear
22 the Mountain Valley Pipeline's plans to purchase
23 mitigation credits to compensate for impacts to
24 streams and wetlands. Are these credits coming
25 from a coal company? Is this how our Virginia

1 water regulators protect our water bodies...

2 **CHAIR WOOD:** Please...

3 **MS. KELLEY-DEARING:** ..by trading
4 in pollution currency? I, I beg you, deny this
5 certificate.

6 **MS. BELINSKY:** Tammy Belinsky,
7 Copper Hill, Virginia. At the meeting in
8 December of 2017 when the upland 401 permit was
9 approved, Board Member Tim Hayes asked for
10 assurance from the staff that the narrative water
11 quality standards would be enforced. Ms.
12 Davenport emphatically answered yes. It turns
13 out that wasn't true. Your approval was built on
14 a misrepresentation, and it hasn't stopped.
15 Since then, the staff has consistently
16 misrepresented the facts and circumstances of
17 citizen concerns to the Board. I don't know why,
18 but this afternoon the regulatory situation on
19 Bent Mountain was entirely misrepresented to you.

20 In that circumstance, MVP was
21 preparing to blast, they had drilled holes in
22 rock adjacent to a wetland that they claimed to
23 avoid, but they put timber mat there. Rock with
24 water in it, a wetland, and a stream. They were
25 going to blast the rock and create surface water

1 adjacent to a wetland, adjacent to a stream,
2 while the VWP permit is pending. They completely
3 overlooked that regulatory situation. They are
4 violating the law, and they're misleading you
5 about it, and it just doesn't stop.

6 Everything the citizens told you
7 would happen has happened, and yet you continue
8 to dismiss the real experts, the people who live
9 here, because their water was clean. The people
10 who know what clean water is. Your staff doesn't
11 know what clean water is, I've watched them.
12 They don't know what a stream should look like.
13 They think they're all dirty because that's where
14 they come from.

15 Your authorization to impact State
16 waters in this case is a decision to degrade
17 every surface water body to a Tier 1 stream.
18 That is effectively what's happening out here,
19 but you don't know it because there hasn't been a
20 scientist in the stream to even examine water
21 quality impacts because all they're looking at is
22 BMP's. No one has looked at a stream. There's
23 feet of sediment in Little Creek, a tenth of an
24 acre of land has washed downstream.

25 What are you doing? You don't

1 even know what you're doing, you don't even know
2 what you're doing because they're not telling
3 you. I'm going to echo former Director Bob
4 Burnley's criticism of the DEQ with respect to
5 its capacity to regulate uranium mining. "The
6 agency does not have the capacity..."

7 **CHAIR WOOD:** Ma'am, your time is
8 up.

9 **MS. BELINSKY:** "... to regulate
10 the MVP...."

11 **CHAIR WOOD:** I'm going to have
12 to...

13 **MS. BELINSKY:** "... in a manner
14 that we, the Agency does not have the capacity to
15 regulate the MVP in a manner that reasonably
16 assures that water quality standards will be
17 protected." They can't meet the narrative
18 standard, and that's the only reason why you're
19 not enforcing it. You need to stop this
20 injustice. You are not the water death board.

21 **MS. ROBBINS:** Mara Robbins, Floyd
22 County, Virginia. Here's a glass of water from
23 my well, it tastes of rock and root and earth and
24 rain. It is the best I have. My only spell, and
25 it is cold and better than champagne. Perhaps

1 someone...

2 **MS. DAVENPORT:** Ms. Robbins, we
3 need you to direct your...

4 **MS. ROBBINS:** ... will pass this
5 house one day to drink and sit a spell, and go on
6 their way. Someone in dark despair as once I
7 was, when I drank down cold water from a glass,
8 drank a transparent health to keep me sane, until
9 the bitter mood had gone again.

10 Three years ago that poem got me
11 kicked out of Radford University because I went
12 seventeen seconds over my time. I've gotten
13 kicked out of as many meetings as I have stayed
14 in. I can't be in these rooms for very long
15 without getting a cluster migraine. It's really
16 difficult to recover from trauma when you keep
17 getting reinjured; that goes for me, many of the
18 people in this room, and our water.

19 The abuse that has happened by the
20 Mountain Valley Pipeline over the last seven
21 years of my life has caused so much harm, has
22 done so much damage. And I'm going to quote a
23 young friend of mine who asked you, some of you,
24 and some of your predecessors years ago, "There's
25 respect for authority and there is respect for

1 humanity."

2 I don't get it, I want to walk in
3 here and think, you are human beings with hearts,
4 that you can see the damage that's being done,
5 that you can make decisions based on what you
6 see, but the people who have shown humanity have
7 been fired from the Board for working for the
8 opposition. Why are we the opposition? Why are
9 we not collaborating? Why? I don't get it. The
10 cognitive dissonance is deafening.

11 So I know I'm not allowed to have
12 empty water glasses in here, I'm not allowed to
13 have signs, I don't know about these, I was told
14 to take them off the trees, but there's nothing
15 that says I can't have them in here if anybody
16 wants one. These flags represent the thousands of
17 water bodies that would be destroyed, that are
18 being destroyed by the construction of the
19 Mountain Valley Pipeline, even though they can't
20 cross water bodies.

21 I am so sick of this. You can
22 exercise your authority, and you haven't. You
23 didn't do it in 2017, 2018, 2019, 2020, I don't
24 actually believe that you're going to do it
25 tonight. I can hope. I can continue to hope, I

1 can continue to pray, I can continue to try to
2 represent the water because watching what has
3 happened to places like Bent Mountain that Tammy
4 Belinsky just mentioned, it's like standing by
5 and watching a friend be assaulted and taking
6 pictures of it, and not being able to do
7 anything. You can do something. But I keep
8 coming back and saying this, and you keep not
9 doing anything. North Carolina denied the
10 permits, you could revoke the permits.

11 **CHAIR WOOD:** Thank you.

12 **MS. ROBBINS:** I don't have a lot
13 of faith, I really wish I did. I hope I can
14 thank you, I hope I can thank you after tonight.
15 I hope you're really listening, especially those
16 of you who are new.

17 **CHAIR WOOD:** Ms. Robbins, your
18 time is up.

19 **MS. ROBBINS:** Yeah, I know.
20 Anybody want to escort me out?

21 **MS. DAVENPORT:** Lynda Majors?

22 **MS. MAJORS:** I'm Lynda Majors, I
23 live at the base of Rush Mountain in Montgomery
24 County on the Mount Tabor karst sinkhole plain.
25 Our well water comes from Rush Mountain, its

1 source water there.

2 I'm here today to ask you to deny
3 the 401 permit. The solution to the open,
4 weeping wound that you have allowed to become a
5 festering sore on our landscape is not to hurry
6 up and cross the steams and restore the land. As
7 my ninety-year-old neighbor and landowner said
8 sorrowfully, looking up at his mountain land,
9 this land will never be restored, the trees will
10 never grow back.

11 Do you know that the fracked gas
12 is, that is to be carried in this pipe is full of
13 carcinogenic chemicals, as well as radioactivity?
14 Do you know that there is no abandonment plan for
15 this forty-two inch pipe that will be full of
16 radioactive sludge? No cleanup plan will leave a
17 collapsing three hundred and three mile tube
18 Superfund site.

19 If you allow MVP to cross our
20 source streams with this pipe, you are condemning
21 future generations of people that drink this
22 water from our mountain streams. This is your
23 last chance to do the right thing for both rural
24 and urban, and liberal and conservative, because
25 we all drink the water. Show us that corporate

1 interests do not drive the Virginia Water Board
2 decisions, and deny this toxic corporate project
3 the ability to be, to, to both for us and our
4 future generations deprive us of our health and
5 wellbeing. Thank you.

6 **MS. SMUSZ:** I'm Tina Smusz, I'm a
7 retired physician with a background in public
8 health and I live in Montgomery County Virginia,
9 about six miles up the road from Lynda, who just
10 spoke.

11 Amendments to the Virginia Water
12 Protection Permit program in 2018 have proved to
13 be no protection from reckless construction
14 practices by MVP. It's a company desperate to
15 complete a project now years behind schedule.
16 State Water Control Board members have viewed
17 numerous photos documenting negative impacts to
18 Southwestern Virginia's waterways since the
19 project began.

20 I suggest that our new Board
21 Member request copies of submissions sent to DEQ
22 staff by citizens and environmental groups
23 through the years. DEQ designates the Federal
24 Energy Regulatory Commission, FERC, as the lead
25 Federal agency for the Virginia Water permit.

1 Alarminglly the final environmental impact
2 statement approved by FERC has been revealed to
3 be a template of standard statements and
4 phrasings used repeatedly by FERC since the last
5 nineteen nineties for describing any proposed
6 large gas transmission pipeline, regardless of
7 the local context and project-specific details.

8 Based on FERC's cookie cutter
9 approach, we should be extremely concerned that
10 FERC staff have not analyzed the MVP project in
11 the critical detail necessary for preempting
12 water impacts. For example, not only does the
13 MVP cross more perennial streams than any other
14 gas transmission pipeline built to date, but it
15 also crosses the most miles of steep slopes and
16 areas of high landslide risk, greatly increasing
17 the reach and the magnitude of negative water
18 quality impacts. Therefore, you must hold
19 suspect DEQ's statement regarding the project's
20 alignment with the application for a Virginia
21 Water Protection permit, which FERC has
22 determined to be the quote, "preferred
23 alternative that could meet the project purpose."
24 The State Water Control Board bears a weighty
25 responsibility; your answer to Virginia's people

1 is you protect essential water resources under
2 threat from numerous activities.

3 We expect you to protect
4 Virginians from further harm to vital water
5 resources, including damage enabled by poor
6 decisions of DEQ leadership and staff during five
7 years of the MVP construction. Do you know that
8 MVP is constructing a three hundred and three
9 mile Superfund site due to the radioactive sludge
10 that accumulates in the pipe lining if this
11 pipeline is ever activated? Radioactive lead and
12 polonium are entrained in the methane stream
13 derived from fracked gas. MVP states that there
14 is no decommissioning plans when they abandon it
15 after fifty years of use. You too should fear
16 Mountain Valley Pipeline's now desperate-paced
17 construction of a polluting, high pressurized
18 fossil fuel conduit through Southwest Virginian's
19 indispensable water resources. Citizens can live
20 without methane, but no one can live without
21 potable water.

22 Please consider these issues
23 seriously when determining the fate of our rural
24 water resources. And I have a copy for everyone
25 that includes some additional data.

1 **CHAIR WOOD:** Thank you.

2 **MS. DAVENPORT:** Freeda Cathcart,
3 Donald Jones, Mark Becker, Victoria Stone, and
4 Linda Parsons Sink are the next five, please.

5 **MS. CATHCART:** My name is Freeda
6 Cathcart, I'm the Soil and Water Conservation
7 District Director representing Roanoke City.
8 Full disclosure, I am also a shareholder and one
9 of the clients for the Mountain Valley Pipeline.
10 I'm not going to repeat what other people said
11 earlier, but those that don't learn from history
12 are doomed to repeat it, so I'm going to give a
13 little history lesson.

14 Back before the imminent domain
15 was declared by the Judge, MVP contractor said in
16 Court, this would have been January of 2018, that
17 they needed to get the pipes in the ground within
18 six months or they would be compromised and
19 unusable. That was in 2018. And he said that
20 they needed to do quick take imminent domain
21 because of that. Also at the time they said they
22 were going to be finished by the end of 2018.

23 DEQ gave permission, while
24 regulations require only five hundred feet of
25 open ground, DEQ allowed the Mountain Valley

1 Pipeline to open up five thousand feet of open
2 space in multiple locations along the route. MVP
3 can restore where their pipes have already been
4 in the ground, nothing's stopping them from doing
5 that and planting grass. Other utilities and
6 companies do that. They should be required to do
7 that. Why aren't they being required to do that?
8 The best thing to protect our water is to have
9 grass on it and to cover the ground.

10 Back in March of 2019 the State
11 Water Control Board was going, well it was
12 December of 2018 they said that they were going
13 to have a hearing to decide whether or not to
14 revoke the certificate, but in March of 2019 they
15 found out that the General Assembly had taken
16 their power away to revoke it, and before they
17 gave them the permit back in December of 2017,
18 the Board specifically asked if we give this
19 certificate, can we revoke it, and they were told
20 yes. And then the General Assembly changed the
21 law on you. Shame on them. And you all should
22 fight back and get your power back. You are our
23 power to protect our water, we need you to do
24 that.

25 Last year, MVP contractors said

1 that they were spending twenty million dollars a
2 month on erosion and sediment controls. They
3 need to plant grass, it's cheaper and does a
4 better job. Who is managing this project? In
5 March of 2021, MVP cut down trees in sensitive
6 water areas where the trees fell into the stream
7 of the endangered Roanoke Logperch, where they
8 weren't allowed to do that from March 1st until
9 June 30th, and they didn't have a permit to cross
10 the stream. Seriously.

11 Currently, the DEQ is not
12 enforcing environmental laws to protect our
13 water. The MVP is constructed in a wetland that
14 was marked on the MVP map without a permit and
15 the DEQ did not stop them, and I was physically
16 there and saw them do it. It's the most
17 frustrating thing I've ever seen. The EPA has
18 delegated enforcement to the DEQ, the DEQ must do
19 their job. The water monitoring boxes have been
20 set up in a location and documenting for over two
21 years? They said that downstream after clean
22 other tributaries enter into it, it's not going
23 to give you accurate readings.

24 **CHAIR WOOD:** Ms. Cathcart?

25 **MS. CATHCART:** I'm wrapping it up.

1 I'm wrapping it up. There would be more property
2 owners here to testify about the horrors that
3 they have experienced from this pipeline, but
4 they're dead, and the last one died this past
5 Friday. He had a stroke when MVP...

6 **CHAIR WOOD:** I'm sorry, your time
7 is up.

8 **MS. CATHCART:** ... entered his
9 property without a manager and started
10 construction when they wanted to, he had a stroke
11 and he died on Friday. And I feel that pressure
12 as a shareholder and a company that's a client of
13 the MVP and I want you too as well. Your power
14 is to deny the permit and tell your staff to do
15 their job.

16 **MR. JONES:** Hello Board, thanks
17 for the opportunity. My name is Donald Jones,
18 I'm generation seven. We have the Jones family
19 farmlands in Newport, Virginia in the historical
20 district. We have many mountain springs feeding
21 Sequin Creek is at the base of our property.

22 I think everybody here has a job
23 to do and everybody wants to do a good job, and
24 make the right decisions. My observation of how
25 the meeting is going, you have the citizens of

1 Virginia trying to protect the water, which we
2 rely on you all to do that for us, you're our
3 voice, and then you have the people that make a
4 living by putting this pipe in the ground who
5 want to save their jobs. I don't think it's you
6 all's job to protect jobs, or to mend fences,
7 it's to protect our waters for generations to
8 come.

9 I have a son, a grandson, which
10 will have been generation nine, and we count on
11 the pristine clean waters from these mountains
12 which trickle down all the way to Richmond, to
13 Virginia Beach. We have clean waters, and we
14 survived our lands by common sense, no college
15 educations much, but common sense tells me you
16 wallow around with the equipment near a creek,
17 wetlands, whatever, you're going to have
18 contamination. And so why are we going to let
19 this company come in here and potentially
20 pollute, contaminate our waters is beyond me.
21 What benefit is it for us, for the citizens of
22 Virginia, that you all were here to represent us,
23 to protect us, you're our voice. I don't
24 understand it.

25 You know we, I read somewhere that

1 a human has to have water within three to four
2 days or they can't survive. I know my dad always
3 said that's why he liked his family farmland,
4 that's why we settled there, because it is clean
5 water. And why are we going to let this company
6 come in here for a little bit of money, I don't
7 know whose pocket they're padding or what, but I
8 think its time we step up.

9 You all have, have a chance to
10 make the right decisions for the citizens. I've
11 not heard one person that's against this project
12 say why that they will protect the water, or how
13 they're going to protect it. Everybody against
14 it is because we think it's not going to be
15 protected like the DEQ told us they were going to
16 protect the upstream waters. Well, I got video
17 to prove that that doesn't happen. And as far as
18 them trying to hurry up to get the sediment under
19 control? They did sow grass up on our right of
20 way, there won't grow, its all, all the topsoil
21 is gone, there is no topsoil. Grass won't grow,
22 they sowed it a year ago. Nothing, just muddy
23 runoff, it's a mess, it's a mess. And I got
24 video to show you if anybody would like to see it
25 I'll be more than glad to show it to you.

1 **CHAIR WOOD:** Thank you.

2 **MR. JONES:** Thank you.

3 **MR. BECKER:** Good evening. Thank
4 you, all of you for serving on this Board and for
5 putting up with what you put up with tonight, I'm
6 sure it's not an easy job, but I trust that all
7 of you hold the positions you have because you
8 want to exercise good judgement on behalf of the
9 citizens. We've heard a lot of comments
10 tonight...

11 **CHAIR WOOD:** If I can get your
12 name for the record?

13 **MR. BECKER:** Oh I'm sorry, I'm
14 sorry, my name is Mark Becker, I'm a resident of
15 Giles County just outside Newport. I have
16 listened to the equipment and watched the trucks
17 working on the pipeline for the last six months,
18 especially it's very irritating.

19 As I was saying, and the gentleman
20 before me just pointed out, a lot of the
21 testimony that you've heard tonight can be
22 polarized, there are people who stand to make
23 money, the investors, the people who run the
24 pipeline company, the gas companies, the gas
25 distribution companies, the economic development

1 people, all these people want to make money,
2 which is fine, everybody understands that,
3 everybody understands, every respects that. On
4 the other side you've got people who care about
5 the environment.

6 Your organization is the
7 Department of Environmental Quality, it's a
8 political position, you are constantly trading
9 off incremental little bits of environmental
10 quality for economic gain. We understand that
11 has to happen. That is what has been going on
12 for the last, well since this country was
13 founded. You can't improve on environmental
14 quality of undisturbed natural environment, any
15 development is a tradeoff. What we've got going
16 on now in light of a code red report from the
17 United Nations is we may have less than fifty
18 years to even enjoy any kind of quality of life.

19 Things have changed since the
20 project was approved seven years ago. The
21 science was not nearly in such strong agreement,
22 and the statistics about how rapidly global
23 warming is coming upon us have been alarming even
24 to the scientists. So if you are going to be
25 responsible about the environmental quality, you

1 have to look beyond the little details of water
2 impact here, erosion there, and I will add if
3 this company has incurred over three hundred
4 violations for erosion control already without
5 even trying to cross a moving body water, what do
6 you think might happen when they get into
7 crossing actual moving water? It's going to be a
8 lot worse. There's no reason to believe it will
9 be better.

10 So the perspective I urge you to
11 take is, long term environmental quality.
12 Burning gas for twenty, the equivalent of twenty-
13 six power plants for another fifty years is not
14 the direction we need to go as a nation and as a
15 society; it's time for those kinds of economic
16 tradeoffs to stop. It's time for the parents to
17 say I'm sorry children, we can't seize these
18 quick, easy profits anymore, we have to do the
19 hard thing for our children and our
20 grandchildren, and I urge you to think carefully
21 in that much larger perspective and framework as
22 you drive home tonight. I assume you have
23 children, some of you have grandchildren...

24 **CHAIR WOOD:** Sir, I need you to
25 wrap it up, please.

1 **MR. BECKER:** ... do the right
2 thing for people, take the long view about our
3 environmental quality. Shut this project down.

4 **MS. STONE:** Thank you for coming
5 to our neighborhood and listening. I'm Victoria
6 Stone, I am a resident of Giles County and a part
7 time resident of Costa Rica. Costa Rica, without
8 anywhere near the economic resources that the
9 United States has, has reforested their country
10 since 1987. They have ninety-eight percent of
11 their electricity generation covered sustainably
12 through wind, hydropower, and solar.

13 Now, arguably they have a
14 different climate, but we can do better than
15 we've been doing. We have caused tremendous
16 pollution all around this country. And it
17 doesn't matter what MVP officials claim, because
18 they have ignored knowledgeable citizen inputs.

19 I read everything that was
20 submitted to FERC, which was called by Robert
21 Kennedy, who died a long time ago, a rogue
22 agency. I read everything that was submitted
23 against this project for the first two years, and
24 I got couldn't read it anymore. They have lied,
25 they have had the violations that everybody has

1 talked about, their permit limitations where they
2 have imperiled our air, our water, our soil, our
3 farms, our public health, and the entire planet
4 because fracked gas is not just moving it through
5 the pipe, it's getting it out of the ground that
6 causes tremendous pollution. And these pipes
7 have been compromised by sitting out in the
8 elements, even before they were compromised they
9 were, they have certain tolerances for how much
10 they can leak. It's not that they can't leak at
11 all, they can only leak a certain percentage, and
12 those are carcinogens and radioactivity.

13 I get to, I get to see where these
14 slopes are that they're planning on putting these
15 forty-two inch pipes, which nobody has done
16 before, on a daily basis, and they're crazy. I
17 keep thinking some of the equipment will just
18 cartwheel right down those hills and into Route
19 24 in Newport, which might be a good thing
20 because it will get us a lot of national
21 coverage, but it wouldn't be so good for them.
22 None of the natural gas, and I don't consider
23 fracked gas to be natural gas, is for use in West
24 Virginia and Virginia. And anybody who thinks
25 they're going to tap into it is going to have to

1 have a lot of money to pay them to do it.

2 I hope that you all will hear us,
3 hear the emotion, hear the connections that we
4 have to the land and to the environment, and to
5 our children and grandchildren. Thank you.

6 **MS. SINK:** Hello, my name is Linda
7 Parsons Sink, I'm from Catawba, I live on Catawba
8 Road outside of Blacksburg, Virginia, and I
9 appreciate the opportunity to speak before the
10 Board tonight. My, is my opposition that
11 Mountain Valley Pipeline not be allowed to do
12 stream crossings. Construction in karst areas,
13 like those found all over Southwest Virginia, are
14 complicated and much more risky for streams and
15 rivers.

16 My experience with Mountain Valley
17 Pipeline has proven that rules are not enough to
18 keep our waters safe. After blasting and
19 trenching near our farm three years ago, our once
20 pristine spring has now become turbid with
21 sediment from the pipeline and is degrading after
22 each large rain event. Our spring was outside
23 the area designated to be affected by the
24 pipeline. We challenged Mountain Valley Pipeline
25 as soon as the turbidity started, they denied

1 they were the cause and they said they were
2 following prescribed protocol.

3 Despite their denials, we later
4 found out that Mountain Valley Pipeline had
5 blasted and trenched directly over a swallet.
6 Mountain Valley Pipeline took seventy-one days to
7 find out that their swallet was in their trench
8 during a routine inspection, despite, despite the
9 fact their own protocol called for careful
10 inspection after every blast event. There were
11 seventeen blast events in this area of swallet.

12 Furthermore, Mountain Valley
13 Pipeline again and again, after we form the
14 Mountain Valley Pipeline again and again that our
15 spring had been turbid after every large event,
16 they did nothing. The swallet, after being
17 discovered was dye tested, and was determined to
18 be connected to our spring. We were not supposed
19 to be affected by their protocols, but at, but
20 after blasting through karst our spring was
21 damaged. They denied they caused the damage.
22 Their protocol to inspect after every blast event
23 did not find the problem. We were told that the
24 swallet was found after a so-called routine
25 inspection, and only then was a dye test done

1 that proved that a direct connection to our
2 spring. Our spring continues to be damaged to
3 this day. Based on our experience, we did not
4 believe that there were any rules, regulations
5 that can adequately safeguard our water resources
6 in karst from Mountain Valley Pipeline borings.
7 Thank you.

8 **MS. DAVENPORT:** The next five
9 speakers are Roberta Johnson, Crystal Cavalier,
10 Matthew Pickett, Amy Nelson, and Katie Whitehead,
11 please.

12 **MS. JOHNSON:** Good evening, my
13 name is Roberta Johnson and I live on Bent
14 Mountain in Roanoke County. My husband Robert is
15 a retired DEQ senior environmental engineer. He
16 has submitted a four page document detailing the
17 inadequacies of the draft Water Protection permit
18 for Mountain Valley Pipeline, so I will just try
19 to summarize a few quickly, those points.

20 DEQ and the Water Board are
21 charged with protecting our waters. A lot of
22 other things have come up today, but your mission
23 is to protect our waters and represent we
24 citizens. Please note that MVP has postponed the
25 most problematic and sensitive portions of the

1 route to the very end.

2 Karst, Tier 3 watersheds, this is
3 not a coincidence that it's at the end. They
4 want to ram it through. Tier 3 exceptional
5 waters, of which there are only thirty in
6 Virginia, are created by their watersheds. Tier
7 3 bottom creeks watershed begins at four thousand
8 feet on Poor Mountain, and descends across the
9 Bent Mountain plateau into Bottom Creek Gorge at
10 twenty-four hundred feet, three miles downstream
11 from the MVP right of way. Over just 6.2 miles
12 in this watershed, streams will be crossed thirty
13 times and wetlands forty-four times over six
14 months. Some will be trenched and some will be
15 bored, but nowhere is it mentioned that the
16 streams and wetlands that will be blasted and
17 trenched are sitting on the metamorphic bedrock,
18 not karst on Bent Mountain, which is in the Blue
19 Ridge.

20 Metamorphic streambeds cannot
21 possibly be restored to their quote, "original
22 condition," therefore, when the permit's charts
23 suggest that no streams will be permanently
24 impacted, that's nonsense. Concrete block and
25 rebar is not the same as metamorphic bedrock.

1 There will be impacts, even to the intermittent
2 streams, because that's where many wild trout and
3 threatened Orangefin Madtoms spawn. Furthermore,
4 fracturing the bedrock may alter aquifers that
5 supply potable water supplies, and we believe
6 this is already started on Bent Mountain. During
7 construction, there will be erosion and
8 sedimentation.

9 MVP's track record assures this.
10 Nowhere in the permit is there an attempt to
11 quantify that. Also, there is no accounting the
12 volume of water that flows from the watershed,
13 linear feet crossed by the pipeline don't take
14 into consideration those cumulative impacts. I'm
15 going fast.

16 All the rare species in Bottom
17 Creek, ten percent of all of Virginia's fish
18 species are found there. The gorge falls another
19 thousand feet to where the water joins the south
20 fork of the Roanoke River, and all that sediment
21 will go down to the south fork, which was not
22 even analyzed for the presence of Logperch. In
23 evaluating those threats, that additional
24 sediment will end up in the Roanoke River, and
25 that was not considered in the scientific report

1 about the Logperch.

2 Finally, time of year restrictions
3 for trout and Orangefin Madtom must be mandatory,
4 not just recommendations for the Department of
5 Wildlife control. Let's see. That is because
6 the State identifies, it also must be mandatory
7 in the Bottom Creek watershed, that's because the
8 State identifies Bottom Creek and all of its
9 named and unnamed tributaries as natural trout
10 waters, and intermittent streams are where they
11 spawn. Construction in wetlands should also be,
12 also be restricted because streams emerge from
13 them.

14 And my last point, please deny
15 this draft permit, for many reasons, and, and
16 also remember that EPA's recommendation that was
17 for the COE to deny the permit as well.

18 **CHAIR WOOD:** Thank you.

19 **MS. JOHNSON:** Thank you, I'm
20 sorry.

21 **CHAIR WOOD:** It's all right, thank
22 you.

23 **MS. JOHNSON:** Thank you for your
24 endurance.

25 **MS. CAVALIER:** (Speaks in Native

1 American). Good evening, my name is Crystal
2 Cavalier, thank you for the opportunity to
3 comment, and even listening. I'm against this.
4 I'm an enrolled member of the Occoneechee Saponi.
5 My people have been here in Virginia since before
6 the formation of the United States, since the
7 fifteen hundreds. It's no place like home. I
8 don't have a technical degree, but as my good
9 friend once said, I have a PhD, post hole digger.
10 I don't brag on my accomplishments, but I know
11 climate and the environment, and I know green
12 washing when I hear it.

13 What is the rush to push it
14 through? I'm not here to lecture. I'm a former
15 resident of Virginia, I've lived here for six
16 years, but now I live right across the border
17 where this pipeline will end up. However, my
18 relatives still live here. People are scared to
19 speak up because of the volatile history in the
20 south, that should tell you something. People
21 are scared. I'm here to speak for the water.

22 Crossing streams and wetlands is
23 not natural. We have gotten so technical and the
24 people that are not listening to the earth, the
25 land, and the water. There are things that

1 scientists, engineers, and technical people
2 refuse to see and understand. If you listen
3 closely, you can hear the waters crying for you
4 to protect it. If you ever go outside and you
5 smell sweetgrass, that's your relative whispering
6 to you to protect it. Have you looked at what
7 dead water or dead land looks like? It's not
8 pretty. Nothing grows.

9 Like before I said, all water is
10 connected above and below the ground. I'm not
11 here to tell people not to work or whatever, but
12 I think once you destroy what God has created,
13 you will never be able to restore it to its
14 original state, no matter how great technology
15 is. You are here to protect the water, that is
16 your job. Please do what you were selected to
17 do. We the people need you. Be like North
18 Carolina, and vote no on the permit. Thank you.

19 **MR. PICKETT:** My name is Matthew
20 Pickett. For the past thirty years and three
21 days I have lived on Mount Tabor Road, probably a
22 few hundred yards from where the pipe is right
23 now, it's very close. I can hear the trucks
24 every day. But I've been very lucky, as a born
25 Appalachian, I advocated for the regional law,

1 I'm a professor at UVA wise, I used to stop at
2 Sugar Hill Brewing every time I'm in Saint Paul,
3 I know the efforts that they have taken to revive
4 the Clinch.

5 When I was in high school, my
6 friend's dad was a professor and taking down my
7 buddies to volunteer to clean the Clinch, and it
8 was this wonderful thing when they opened the
9 State park a month ago, two months ago, it wasn't
10 very long, so I wonder why we're risking another
11 waterway that, I mean I guess we can clean it up
12 like that, but you know, how many decades does
13 that take? And I'll leave it on, I, I have
14 worked in film production in Bristol, Tennessee,
15 and Virginia, in Grundy, and we produce one of
16 the largest feature films west of
17 Charlottesville, it's called Believe, and I was
18 the Virginia fixer. And when I was down there I,
19 I was going to go get a drink of water in one of
20 the places we were in Buchanan County, and one of
21 my friends said, Pickett, don't drink that,
22 that's bad water. And I thought to myself at the
23 time, you know, that's what you tell your
24 neighbor when they say they're going to vacation
25 in Mexico, but we're in Virginia, so let's

1 preemptively not have a problem like you had in
2 Clinch River. The gentleman that explained our
3 awesome fishing streams, and the fact I'm a young
4 person and hope to live another fifty years, I'd
5 love to just not have to fight this back and
6 clean it up over the next few decades. So that's
7 my honest to gosh hope, from a young person to
8 all of you.

9 **CHAIR WOOD:** Thank you.

10 **MS. NELSON:** Hi, I'm Amy Nelson,
11 I've lived in Blacksburg for twenty-five years
12 and I haven't been part of this fight against
13 this pipeline for as long as a lot of people who
14 have spoken to you tonight, but I just wanted to
15 first of all thank you all for coming here
16 because of, people have said it's hard to go to,
17 it's hard for us to go to, go to Richmond, and we
18 do appreciate you coming out. And I hope you
19 will listen and really take what's been said into
20 account and into your hearts as you go forward
21 and look at all of this, and I would just ask you
22 to think about the most critical infrastructure
23 of all, which is our water, and that's what
24 you're supposed to be protecting, and I just hope
25 you'll help us do that.

1 **MS. WHITEHEAD:** My name is Katie
2 Whitehead, I'm a native and resident of
3 Pittsylvania County. My husband and I own a true
4 farm on the MVP Southgate route, where MVP plans
5 to cross the Bannister River. I attended the
6 hearing in Rocky Mount. I'm going to ask you
7 questions prompted by comments made. I don't
8 expect answers. I thank you for your attention.
9 Many people last night asked you to approve the
10 permit without mentioning water. Representatives
11 of my county focused on tax revenue, and didn't
12 stay to hear criticism of the permit, yet it is
13 thoughtful criticism that gives these hearings
14 their value.

15 So one, last night Joshua Vana
16 raised the issue of DEQ reportedly having stated
17 that the Water Board had made a quote,
18 "preliminary decision" to approve the MVP permit.
19 I understand you did not. Still, there are
20 obvious questions. What influence does DEQ have
21 upon your decisions? What is your distinct
22 responsibility independent of DEQ?

23 Two, estimates of the MVP's
24 completion rate, oh gosh, I've just got one more
25 minute, have ranged from fifty to ninety percent.

1 Of the route that you have responsibility for,
2 what percentage is complete?

3 Number three, several speakers
4 have pointed you to the EPA's May 27th letter to
5 the Army Corps regarding MVP stream crossings.
6 Have you studied the MVP draft permit in light of
7 this letter in all its constructively critical
8 detail? Please do.

9 Number four, Grace Carey last
10 night asked you her own compelling question, what
11 is happening now on Bent Mountain? Is what is
12 happening permitted? Should it be, how does her
13 experience inform your review of this permit?
14 Several speakers addressed enforcement issues.
15 What responsibility do you, the Water Board, take
16 for enforcement? Do you only permit or do you
17 also enforce? Permit review should fully account
18 for the challenges of enforcement, and again,
19 thank you for your attention.

20 **CHAIR WOOD:** Thank you.

21 **MS. DAVENPORT:** Donna Pitt, K.
22 Givens, I'm sorry I can't read your writing as to
23 what is after the K, Dave Walker, and Cynthia
24 Munley.

25 **MS. PITT:** Hello, my name is Donna

1 Pitt, thank you for having this today. I live in
2 Giles County and I am here today to ask you to
3 consider who you, the citizen Board, represent.

4 You do not represent the
5 Department of Environmental Quality. You do not
6 represent the Governor, who is obligated, by the
7 way, to appoint you. You represent us, the
8 citizens of the Commonwealth of Virginia, and by
9 statute you have the authority to promulgate,
10 approve, and deny water regulation permits, and
11 to sanction and initiate legal action in case of
12 regulation violations.

13 At the very beginning of this
14 process of public review and comment on the then-
15 proposed Mountain Valley Pipeline, we, citizens,
16 landowners, environmental scientists, provided
17 the citizen Board with myriad evidence why this
18 project was flawed to the point of environmental
19 criminal negligence. When this Board raised
20 questions and concerns about the soundness of the
21 project, those concerns were overridden by the
22 DEQ administration as they summarized public
23 comments. Even though additional regulations
24 were imposed on Mountain Valley on upland
25 construction, those regulations have proven

1 woefully inadequate to monitor and control the
2 environmental damage MVP has done to our upland
3 watersheds. In spite of documented sustained
4 evidence of the project's inability to control or
5 mitigate erosion and sedimentation of our streams
6 and wetlands, DEQ's response is that as long as
7 MVP cleans it up in three days' time, that's all
8 that can be expected.

9 Those of us on the ground, on our
10 own land, in our communities, see the damage
11 those three days do to our water, our springs,
12 our special streams, and the wildlife they
13 sustain. We see this on a daily basis. No
14 amount of mitigation bank credits can restore the
15 purity of those waters and wetlands. Read that
16 EPA report carefully, there is reason behind it.

17 So my request to you, our citizen
18 Board, is to not let DEQ administration drown out
19 your questions, your concerns, and your
20 reservations. You do not work for DEQ, they work
21 for you, and they should not be allowed to do
22 your thinking for you, nor can they make your
23 decision to approve or deny this new permit to
24 blast and drill through our water system. It
25 does not have to be a foregone conclusion as they

1 have tried to say it does. I ask you to not
2 allow yourselves to be used by DEQ. Reject this
3 permit and let this project die the death it
4 deserves. Thank you.

5 **MS. GIVENS:** I wanted you to see
6 something from my farm, from caves that were
7 blown up, and I would like to invite Mountain
8 Valley Pipeline...

9 **CHAIR WOOD:** Ma'am, can I ask you
10 to state your name for the record?

11 **MS. GIVENS:** I wanted to do this
12 so that you could see what these were, because
13 this is karst. My name is Karolyn Givens, I own
14 a farm in Newport that is bisected by Mountain
15 Valley Pipeline. I guess I thought the worst
16 problem was that I was in entirely the blast and
17 evacuation zone, the whole farm, and you know
18 what that means, I'm sure. I have a tenant who
19 lives in the house on that farm, he would be
20 vaporized if that blows. It's this kind of a
21 farm, it has caves, they, they, and so I digress.

22 Any department, including the
23 Water Control Board and DEQ working with MVP as
24 they seek additional rights to affect water
25 bodies in the path of the right of way needs to

1 be aware that MVP does not do their homework and
2 careful preparation for altering the land they
3 want to use. I will provide you with two
4 examples.

5 This farm I own is on the side of
6 Sinking Creek Mountain, there is sizeable karst
7 ridge on the side of the mountain, complete with
8 an open cave on the south end of the ridge.
9 Water from a spring higher up on my farm flows
10 into a swallet in that cave, continues to run
11 underground along the length of the ridge.
12 Mountain Valley Pipeline chose to route the right
13 of way over that same steep ridge. It is where
14 they decided to put the right of way is two
15 hundred and forty feet west of the open cave with
16 the spring running into it.

17 In spite of the survey map that
18 was provided to them that clearly warned them of
19 the karst hazards and pointed out the opening
20 into the cave, and following 2018 MVP chose to
21 dynamite the topmost section of the ridge, and
22 they blasted open part of a cave, which they then
23 proceeded to fill with clay. We found the walls
24 of the cave, which at fist looked like huge
25 boulders lined up along the edge of the right of

1 way. On further examination we found crystalline
2 structures on the inside walls of the cave, which
3 screamed cave. MVP denied it. And they denied
4 it to FERC. Their karst experts denied all
5 evidence of cave formation, in spite of the
6 speleothems that we found and the sidewalls of
7 the cave with their, their crystalline features.

8 I believe their karst experts are
9 not really karst experts, they're cavers. I
10 brought two PhD prepared geologists to visit the
11 right of way, one is this gentleman who is a
12 world known karst expert, and the other is a PhD
13 qualified PhD geologist that works with Ernst
14 Kastning. Without hesitation, after viewing the
15 formations on M. speleothems that we had found,
16 they confirmed that MVP had indeed destroyed part
17 of the cave.

18 Filling that cave up with clay has
19 proven problematic because typically snow melt as
20 well as rain water runs into karst, into caves,
21 and other openings in karst, through its
22 waterways. When you destroy those waterways, the
23 water flows in places it never has before. Last
24 week the 5.5 inches of rain we experienced had
25 nowhere to go into the ground. Nowhere to go in

1 that high ridge, so it poured down the
2 mountainside along with mud and rocks, and much
3 of it more than a hundred feet down into the
4 pastures and the hay field beneath it. MVP did
5 not do their homework on karst, yet they chose to
6 construct a huge pipeline right through it. By
7 the way, that was not part of their karst
8 mitigation plan they had submitted to FERC in
9 support of their certificate. Am I out of time?

10 **CHAIR WOOD:** Yes ma'am.

11 **MS. GIVENS:** I will leave the
12 second.

13 **CHAIR WOOD:** Please leave that for
14 us.

15 **MS. GIVENS:** Okay, I will bring...

16 **CHAIR WOOD:** Along with anybody
17 here who wants to submit their written comment.

18 **MS. GIVENS:** Right. I urge you to
19 think about, I urge you to think about all the
20 things that they have done to our water, and as
21 everybody else has said, please do the right
22 thing.

23 **CHAIR WOOD:** Thank you.

24 **MS. MUNLEY:** Good evening again,
25 here I am after Rocky Mount last night. I wanted

1 to make sure that my points get to be stated and
2 you have a chance to consider them. I live in
3 Salem, which is downstream from what is happening
4 with the Mountain Valley Pipeline. The entire
5 city of Salem and much of Roanoke County depend
6 on the Roanoke River to fill the reservoir and
7 Salem takes the water directly from the river for
8 its treatment plant. And when I hear, thinking
9 that MVP will cross our headwaters a hundred and
10 twenty times for the Roanoke River, our little
11 Roanoke River, and each of those crossings
12 represents a place where radioactive sludge is
13 going to sit for eons, filling our river with
14 these toxins.

15 I am fearful for my grandchildren,
16 and I'm here to speak for them, and for the
17 people in the municipal areas that are
18 downstream. So many of us live downstream. So
19 what is happening on Bent Mountain? That is our
20 headwaters, and it's criminal because the Clean
21 Water Act protects the headwaters, and if you
22 grant this permit I don't think its going to hold
23 up in Court, because it's going to be challenged.
24 Although the standards under the 401 are much
25 higher than the 404, and if you can't do it right

1 under the 404, you're not going to make it under
2 the 401. The other thing about the pipeline is
3 that equals one percent of U. S. greenhouse gas
4 emissions, so that's another threat to my
5 children and grandchildren.

6 I urge you to use the most
7 powerful tool you have, which is deny this 401
8 permit. The management of this project leads
9 many to think that sometime, something other than
10 science and a long record of MVP violations is
11 driving this decision. You are the citizen
12 Board, and you oversee DEQ, not the other way
13 around. I can still, I still cannot understand
14 why in the summer's end of 2018 the Board made
15 the decision, or tried to make the decision, to
16 revoke the permit, they did it again, they made
17 the decision to consider it in the late fall of
18 2018, and they didn't learn from DEQ that they
19 had have that authority taken from them in the
20 beginning of 2018.

21 So I think you're being ill
22 informed by DEQ. The science is being ignored.
23 The Governor called for the science, six came and
24 met with Governor Northam and they each said you
25 can't safely build this project over these

1 mountains. And then they never heard back from
2 the Governor. Northam also said that the law
3 would decide, then, and the law, I mean there are
4 so many challenges to this pipeline, and yet you
5 keep allowing it to be built. Because DEQ
6 ignored scientists, experts, and citizens, the
7 project is being built in reverse with MVP now
8 asking for a brand new permit, which should have
9 been settled at the beginning of the project, but
10 this project is being fast tracked and you all
11 are letting this happen.

12 This is gross mismanagement of a
13 huge infrastructure project that's very harmful
14 for our, for our State. DEQ's myth is that all
15 is normal, that water quality is being protected,
16 not by water quality standards, but by a
17 technical method of maintaining BMP's. That is a
18 bold faced fabrication, it's not being protected,
19 this is directly from a letter that Melanie
20 Davenport wrote.

21 **CHAIR WOOD:** Ma'am, can I ask you
22 to wrap it up, please?

23 **MS. MUNLEY:** Pardon?

24 **CHAIR WOOD:** Can I ask you to wrap
25 it up, you're over time.

1 **MS. MUNLEY:** Okay. We see the
2 destruction and it needs to stop. A lot of the
3 science was ignored. The Dodd's report forty-
4 three pages, Giles County legal brief, anhydrous
5 study, that was sixty-six pages, and I have
6 others here.

7 The other danger that is around
8 the, that is happening around the world, which is
9 happening in Bent Mountain right now is draining
10 the wetlands, and the boring under the streams is
11 likely to go on a lot longer than predicted and
12 just bleed water for a very long time. Those
13 wetlands around the world that are being depleted
14 are causing the aquifers to dry up, and as a
15 person that lives downstream, I think this is
16 something that you need to take very seriously,
17 because thousands of people are depending on the
18 water from the Roanoke River.

19 So I urge you to deny this permit
20 and we'll have to do the best we can to try to
21 restore the land, but it needs to be stopped.
22 And I thank you for coming to our area and I hope
23 that you make the best decision to preserve our
24 environment for future generations. Thank you.

25 **MS. DAVENPORT:** Dave Walker?

1 **MR. WALKER:** That's me. I guess
2 my name's read into the record, I'm Dave Walker,
3 and I'm a long time resident of Newport,
4 Virginia. I've got lots of problems with this
5 whole thing, the way they went about starting it,
6 to strong-arm tactics to get people to sign over
7 imminent domain. The Precision Pipeline, which
8 is anything but precision, they, as far as I know
9 they still have litigation up in Pennsylvania for
10 botched crap job that they did up there. We got
11 the people from MVP or whatever, none of them
12 live here, they don't give a rat's butt about
13 what our life is going to be like after they're
14 gone, and they got an LLC in behind their
15 corporation there, so when, when or if they do
16 blow it up and they sit there and don't give us
17 some shekels or give us a bag of magic beans like
18 they been selling to us the whole doggone time.

19 You know, I get tired of this,
20 seeing people getting angry, especially over the
21 last four years, we all saw what's going on.
22 Nobody seems to care, everybody's, one thing
23 comes down to the very root of it or whatever,
24 its greed. Their greed is what they want, they
25 don't care who they have to climb over in order

1 to get what they want. I refer to it as
2 stupidity cupidity, because that's all they're
3 concerned with, their bottom line.

4 You guys are public servants.
5 Serve the public. They're not from here. They
6 don't live here. They're not your public,
7 they're not your constituents. These are the
8 people that you see here. You know, I just hate
9 to see how corrupt everything is. DEQ, they've
10 turned nothing, they have turned a blind eye to
11 everything. A lot of the damages and faults that
12 they had done were actually reported by Mountain
13 Watch, Mountain Valley Watch, which you all
14 submitted a lot of this. So they take credit for
15 it, come in and say oh we self, we self-reported
16 it, and did that, well they wouldn't have done
17 anything if it wasn't for the fact that we were
18 running air drones and taking pictures of
19 everything. It just, it galls me that nobody
20 seems to have the cojones to stand up and do
21 what's right, to stop these corporate people that
22 just want to seize everything, pave over
23 everything, and you know, the ladies have been
24 talking about it earlier, that's, I mean that's
25 true. What are your kids, what are your

1 grandkids going to breathe, what are they going
2 to drink when it's all used up and gone? I don't
3 know, I don't get it.

4 We could go a whole another
5 different direction if there's just the will to
6 put it in there. Get all these major
7 corporations, oil, gas, and all that, diversify
8 some of theirs, go ahead and invest in alternate
9 forms of energy. They don't have to sit there
10 and pump gas all the time. So that's basically
11 about, and I am going to finish up reading what
12 Karolyn was reading. MVP did not do their
13 homework on karst, yet chose to construct a huge
14 pipeline right through it.

15 By the way that was a part of the
16 karst mitigation plan that was submitted to FERC
17 support of their candidates. The second example
18 again demonstrates that the MVP did not do their
19 homework about sources of water in Sinking Creek
20 Valley. MVP didn't have a clue about all of the
21 springs that flow out of the side of the Sinking
22 Creek Mountain, and their continuous stream of
23 water piped underground down to the mountain to
24 feed every farm and on this side of Sinking Creek
25 Mountain, nor did they know how spring water

1 works.

2 **CHAIR WOOD:** Sir? Sir, I think
3 your time is up.

4 **MR. WALKER:** Well, I realize that.
5 Springs...

6 **CHAIR WOOD:** I would like to
7 advise that you finish up, please.

8 **MR. WALKER:** Well, I am. Springs
9 are our source of water on the north face, facing
10 side of the mountain, they supply water
11 intricate, deeded water rights dated back to 1860
12 farms have the rights. Yeah, okay.

13 **CHAIR WOOD:** We're at that point.

14 **MR. WALKER:** Oh I'm the last one,
15 you guys want to go out and spend some of your
16 profits? Okay. Well I do, I was going to, I was
17 fully going to...

18 **CHAIR WOOD:** You've had just as
19 much time and as little bit more, so you're out
20 of time.

21 **MR. WALKER:** I got you, I got you.
22 So farewell.

23 **MS. DAVENPORT:** Can you take one
24 more? That was it for the list of folks who
25 signed up to speak, is there anyone in the

1 audience who would like to speak?

2 **MS. CAPP:** Thank you.

3 **CHAIR WOOD:** Please identify
4 yourself and you've got three minutes.

5 **MS. CAPP:** Yes, thank you, and I
6 apologize because I came in late, I was out of
7 town on business. My name is Mary Ann Capp, I
8 live here in Montgomery County, and I have a farm
9 with pristine water. I'm concerned about the
10 water quality being degraded. I'm speaking here
11 today on an entirely personal basis, with
12 personal observations and personal comments, and
13 I say that because I'm still employed and I am
14 concerned about that.

15 I began my career in the oil and
16 gas industry around Pittsburgh, Pennsylvania,
17 where I was born, raised, and educated. I found
18 the industry then to be sloppy and reckless, and
19 as you have heard lots of testimony and I've been
20 in previous hearings and showed photographs in
21 Richmond, I find it, and I've been all over the
22 pipeline path to be still sloppy and reckless.
23 You have heard many thoughtful people give you
24 lots of testimony, people with doctorate degrees,
25 medical degrees, I don't have any of that, I'm

1 just the workaday girl doing business. And in
2 the business that I do I do not hear anyone
3 clamoring for this fracked gas in this region.
4 And so it to me is a myth, and I also understand
5 that most of the gas was to go overseas. I know
6 there is a buyer of a small amount of it.

7 As Ms. Belinsky testified, the
8 sloppy and recklessness that I have seen is
9 unlawful. I think you need to pay attention to
10 that. I think you need to protect this region's
11 resources, natural resources for the people who
12 live here and who will live here in the future.
13 So I'm asking you to please deny this permit on
14 behalf of the greater needs of people to live on
15 this planet. We are in a crisis with this
16 climate and it cannot tolerate this. I believe
17 that jobs can be pivoted, I see it happening, the
18 global business leaders I know are doing that
19 right now, making plans to pivot away from fossil
20 fuels. We'll not entirely get away from it, but
21 we don't, in my opinion, and from what I've
22 observed, need this collision course in this
23 region, or on this planet. Thank you very much
24 for your time.

25 **MS. DAVENPORT:** I'm sorry, I

1 couldn't hear your last name.

2 **MS. CAPP:** Capp, Mary Ann Capp,
3 Montgomery County.

4 **MS. DAVENPORT:** I can't...

5 **MS. CAPP:** Capp, C-A-P-P.

6 **MS. DAVENPORT:** Capp, all right,
7 thank you so much.

8 **MS. CAPP:** You're welcome, thank
9 you.

10 **MS. MCGLAWHORN:** Trish McGlawhorn,
11 and I didn't really plan to have a comment for
12 tonight, but I did want a couple folks have
13 mentioned the, sort of the fiduciary
14 responsibility of the citizen's Board, separate
15 from DEQ, and so I just wanted to take a moment
16 to remind you guys to ask staff to inform you of
17 the, as a couple of folks have mentioned also,
18 the criminal negligence of actions that were
19 taken by the Mountain Valley Pipeline on August
20 10th, 11th, 12th regarding drilling into ground
21 water, into surface water that has yet, it has
22 not been determined that we know of, and we have
23 not received a response from the Virginia DEQ
24 when asked to have folks come out, and
25 hydrologists to take a look at what happened.

1 And what MVP did at that time as
2 the folks on the ground were letting them know
3 that they were drilling into the water, which
4 they don't have a permit to do. They can't be in
5 water at all. They can't be working in water,
6 and they were. And they were instructed that
7 they were, and what they did is they brought the
8 drills out there and they drilled sixty or
9 eighty, sixty, eighty more holes alongside the
10 holes that they had drilled to drop dynamite in,
11 to blast. And the reason that they did that,
12 because we had a number of folks that spent hours
13 taking measurements of the water standing in
14 those holes for two days straight, the water
15 rising in those holes. They came out and they
16 drilled those extra sixty or seventy holes, in
17 the hopes that they could lower the water and
18 spread it out.

19 So I just encourage you that are
20 on the Board, considering this how in the world
21 can you consider approving any type of permit for
22 them to work in water anywhere, when they are not
23 even following what you've already asked them to
24 do. A Judge was to hear it on Friday in Roanoke,
25 and do you know what they told us? They told us

1 go home, we're not going to blast the dynamite,
2 the Judge is going to hear it in Federal Court on
3 Friday. And then they blew the dynamite up in
4 all those holes. In the middle of the night, in
5 the dark. It's about integrity. So the permit
6 that they have put in front of you to approve is
7 not worth the words written on the paper. Their
8 commitment to credits? To mitigation credits?
9 They can't keep their word. They can't keep
10 their word. Thank you.

11 **MS. DAVENPORT:** Since I don't have
12 your sign in, I didn't catch your last name, I'm
13 sorry. We just need the record, I'm sorry.

14 **MS. MCGLAWHORN:** M-C.

15 **MS. DAVENPORT:** M-C.

16 **MS. MCGLAWHORN:** G-L-A-W-H-O-R-N.

17 **MS. DAVENPORT:** Okay, thank you so
18 much.

19 **CHAIR WOOD:** Is there anyone else
20 who is here who did not sign up, or that I
21 somehow missed who would like to speak this
22 evening?

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

24 **CHAIR WOOD:** I would like to thank
25 everyone who came out tonight to talk to us. We

1 very much appreciate all of you taking the time
2 to do that, and I want to remind everybody that
3 written comments can be submitted through October
4 27th, 2021, and I encourage you all to do that,
5 especially those of you that had comments typed
6 up tonight, please feel free to submit those.
7 Make sure you include your name and full address.
8 Our public hearing for this matter is now
9 adjourned. Thank you.

10 **(WHEREUPON, the public hearing was concluded at**
11 **9:00 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 11TH day of OCTOBER, 2021.

18
19
20
21 

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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