

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *

ENVIRONMENTAL JUSTICE LISTENING SESSION

* * * * *

BEFORE: CARL JONES, JR., ESQUIRE, Director
PATRICK MCDONNELL, Secretary
JOHN BRAKEALL, Regional Coordinator

HEARING: Tuesday, May 2, 2017
4:35 p.m.

LOCATION: Pennsylvania Department of
Environmental Protection
South-Central Regional Office
909 Elmerton Ave, 3rd Floor
Harrisburg, PA 17110

ORIGINAL

Reporter: Seth Baier

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

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DISCUSSION AMONG PARTIES	4 - 6
PUBLIC COMMENT	
By Patty Kim	6 - 7
By Kirk Jalferr	7 - 8
By Tina Hayes	8 - 9
By Ellen Gerhart	9 - 13
DISCUSSION AMONG PARTIES	13 - 14

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

NONE OFFERED

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BRAKEALL: So as Carl mentioned,
we'll use the sign-in sheet as a way to allow you all
to speak. If you do want to speak, that's fine, I'll
probably read your name, but if you don't want to, you
can simply say no.

First on the list is Nathan Haverford.

MR. HAVERFORD: I'm good.

MR. BRAKEALL: Okay.

Next is Ellen Gerhart.

MS. GERHART: I would respectfully like
to be placed last in the speaking line.

MR. BRAKEALL: Okay.

Jamie Bells?

MR. BELLS: I'm good.

MR. BRAKEALL: John Waffenschmidt? John
Waffenschmidt?

MR. WAFFENSCHMIDT: Just listening.

MR. BRAKEALL: Ezra Birch?

MR. BIRCH: Just listening.

MR. BRAKEALL: I also apologize if I
butcher your name. My last name is pretty tough, so I
don't mean to do that.

Tina Hayes?

1 MS. HAYES: No, I'm just listening.
2 MR. BRAKEALL: Renee Weaver?
3 MS. WEAVER: No comment.
4 MR. BRAKEALL: No comment? Okay.
5 Carla Johns?
6 MS. JOHNS: No comment.
7 MR. BRAKEALL: No? Okay.
8 Yvonne Werzinsky?
9 MS. WERZINSKY: No comment.
10 MR. BRAKEALL: Reggie Parrish?
11 MR. PARRISH: I'm just listening.
12 MR. BRAKEALL: Okay.
13 Jim Edward?
14 MR. EDWARD: No, thank you.
15 MR. BRAKEALL: Darnis Stanton?
16 MR. STANTON: I'm fine.
17 MR. BRAKEALL: Heather Bedi?
18 MS. BEDI: Just listening.
19 MR. BRAKEALL: Kirk?
20 And lastly, on this list is Patty Kim.
21 MS. KIM: I'm right here.
22 MR. BRAKEALL: Would you like to speak?
23 MS. KIM: Yeah. I would love to.
24 MR. BRAKEALL: Okay, absolutely.
25 MS. KIM: Do I have to go to a mic?

1 MR. BRAKEALL: Yeah.

2 MS. KIM: Secretary, I just want to
3 thank you for having this and I actually wanted to
4 listen and hear people's concerns and - as the state
5 representative for Harrisburg.

6 But I was just looking at these
7 questions and I think these are really good questions.
8 I personally have a problem trying to get word out in
9 my more impoverished areas. A lot of people don't
10 have internet accessibility except for their phone,
11 and so I have like a - let's say, a children's health
12 fair this Saturday and it's very difficult to get the
13 word out. And if I do have an event they're like,
14 well, why didn't you tell me? Facebook, you could
15 have five hundred likes and people won't show up, not
16 --- social media is not reliable.

17 But I think you need to have people who
18 are trusted in the community, which takes some time
19 and energy, but if you talk to the, I guess, local and
20 state representatives, you can kind of pinpoint folks
21 who can be the ambassador for the community.

22 Churches tend to congregate more in the
23 cities which can be more of a communication tool or a
24 place of sharing information.

25 Yeah. I wanted to hear if anyone had

1 some ideas, but again, just trusted local folks. They
2 don't have to be elected officials, but people who get
3 the word out and are trusted is probably the best way
4 to get feedback.

5 Yeah. If I think of other comments, I
6 will come back, but that's all I have for now. Thank
7 you.

8 MR. BRAKEALL: Thank you.

9 Well, that was everybody on the sign-in
10 sheet. Is there anyone else at this time who would
11 like to speak?

12 Yeah. Sure, Kirk.

13 MR. JALFERR: My name is Kirk Jalferr
14 and I'm on the Environmental Justice Advisory Board
15 for the State of Pennsylvania. This isn't so much
16 testimony as it is a comment. I want to thank the
17 Secretary and Carl Jones for being here today.

18 It took a surprising amount of work to
19 actually get these sessions into place, and I know
20 that one of the complaints that I hear from people is
21 that the DEP doesn't do enough to listen to its
22 constituents. We have 20 people in this room, and I
23 know that you all came here for a reason. I know you
24 all have some kind of a concern that's related to one
25 of these seven questions, and I encourage you to

1 please come up and give some sort of testimony if you
2 could. Any tiny bit is great. And I think that it
3 will help us kind of contextualize as a Board what we
4 should be thinking about in terms of reevaluating
5 environmental justice, and I think that it would help
6 the agency as well, so if you have anything, please
7 come up.

8 MS. HAYES: I'd like to come up and
9 speak.

10 MR. BRAKEALL: Sure.

11 MS. HAYES: My name is Tina Hayes. New
12 to the state, I do have family here, and I'm
13 originally from New York. I'm serving in the
14 Americorp Vista Program with the OSMRE, and I'm here
15 to learn about the area and also what is being done to
16 help the impoverished areas.

17 I actually live in Duncannon and we have
18 - and I'm brand new there. I've only been there maybe
19 eight weeks and found out about the lead in the water.

20 So that would be the concern in our
21 area, that they detected lead in the water and how -
22 and it seems difficult to get information about that.
23 And I got my information initially from the
24 municipality there, so I don't know if that's a common
25 way that you reach out to the local communities, that

1 you go to the local municipalities and where people
2 pay bills so that they can pick up some information
3 from there, especially if you're in a low-income area
4 where they don't have access.

5 So that was one of the ways that I
6 received some of the information. And again, I'm here
7 just to hear what is going on in the community and
8 ways that I can help in the capacity that I'm here.

9 Thank you.

10 MR. MCDONNELL: Thank you. Welcome to
11 the state.

12 MR. BRAKEALL: Anybody else?

13 Oh, yeah, absolutely.

14 MS. GERHART: Secretary McDonnell,
15 Director Jones, I would like to say it's a pleasure to
16 be here speaking to you, but it's not. My name is
17 Ellen Gerhart. I'm a 62-year old retired special
18 education teacher living in Huntingdon County with my
19 86-year-old husband, Steven.

20 Our family is facing arrest on our own
21 property for opposing the Mariner East 2 pipeline
22 project.

23 Environmental justice is the fair
24 treatment and meaningful involvement of all people
25 regardless of race, color, national origin or income

1 with respect to the development, implementation and
2 enforcement of environmental laws, regulations and
3 policies.

4 Huntingdon County is a rural county in
5 central Pennsylvania. Lake Raystown is one of
6 Huntingdon County's main sources of income. The area
7 is serviced by small volunteer fire departments.

8 In Pennsylvania, there is no
9 environmental justice. If there were, a pipeline
10 company with one of the worst violation records in the
11 country would not be granted permits to build through
12 17 counties in Pennsylvania while still having
13 deficiencies in its applications.

14 If there were environmental justice, the
15 supposedly safe natural gas liquid pipeline would not
16 be rerouted from previous easements in Huntingdon
17 County, but yet go through ponds, wetlands and streams
18 that are part of the Clean Breathing program.

19 If there were, this same pipeline would
20 not again be rerouted to go through property owned by
21 Texas oil and gas man Roy Roberts, thus denying
22 longtime land owners adjacent to the easements any
23 voice in the process.

24 If there were environmental justice,
25 private property would not be seized by eminent domain

1 or writ of possession for a project that serves no
2 public purpose, but only benefits the bottom line of
3 the pipeline company.

4 If there were environmental justice,
5 people protesting on private property would not be
6 arrested for disorderly conduct and have bail set at
7 \$200,000 and \$100,000.

8 If there were, pipeline and fracking
9 companies would not be allowed to begin construction
10 while there are active court cases and appeals in
11 progress. If there were, these corporations would not
12 be able to threaten lawsuits against townships trying
13 to enforce standing regulations.

14 When granting permits to Sunoco
15 Logistics, now Energy Transfer Partners, DEP
16 stipulated to hundreds of special conditions that the
17 company must comply with or risk having the permits
18 revoked.

19 Unfortunately, DEP has also acknowledged
20 that it is understaffed and underfunded so the role of
21 policing this company falls to concerned citizens of
22 Pennsylvania. Is this environmental justice?

23 If there were truly environmental
24 justice in the State of Pennsylvania, you and
25 Secretary McDonnell, as well as Governor Wolf, would

1 be visiting every single county in Pennsylvania
2 impacted by fracking wells, pipelines, cracker plants,
3 refineries, and mines.

4 We're facing imminent arrest for trying
5 to protect our property. As I speak, crews are within
6 sight of my home.

7 We're asking you, as a representative of
8 Governor Wolf, to ask the Governor to put a stop to
9 this right now while our appeals against eminent
10 domain and the issuance of DEP permits go through the
11 courts.

12 Please put the brakes on this project
13 while we wait for Army Corps of Engineers'
14 jurisdictional determination.

15 You and the Governor have the power to
16 uphold the rights of all Pennsylvanians to clean air
17 and clean water.

18 I urge you and Governor Wolf to
19 immediately put the welfare of the people you are
20 sworn to represent over outside corporate interests.

21 You have the power to uphold
22 environmental justice in Pennsylvania.

23 I know you've heard what I have to say.
24 I would ask now that you and Governor Wolf actually
25 listen.

1 Thank you.

2 MR. BRAKEALL: Is there anybody else
3 that would like to speak?

4 MR. JONES: Okay.

5 We want to thank everyone for coming out
6 today. Seeing as there are no additional speakers at
7 this time, if you know of other people who have
8 concerns or issues that can be addressed or give us
9 input towards the questions that we asked, those
10 questions are on our website. Our contact information
11 is here.

12 Again, we thank you again for coming out
13 today. We look forward to working with you all as we
14 try and address environmental justice issues in the
15 Commonwealth.

16 Thank you.

17 MR. MCDONNELL: I just want to say thank
18 you one last time as well. Thank you for coming out.

19 It's been - we've done several of these now. It's
20 been a great experience getting individual's
21 experience that we can use to feed into how we do our
22 planning, how we do our decision making throughout the
23 department.

24 If you aren't aware of the resources
25 available to you through the regional office here, I'd

1 encourage you to call on our regional director, our
2 assistant regional director as well as John, who
3 oversees our environmental justice office here in the
4 central part of the state.

5 We have representatives, as you heard,
6 from the Environmental Justice Advisory Board that are
7 available for you to interact with as well as our
8 Citizens Advisory Council. The new executive director
9 is here as well, so we're trying to encourage as many
10 avenues as we can for input and interaction to improve
11 our public participation polices across the board.

12 I encourage you to interact. I
13 encourage you to share comments if you have any, and
14 thank you again for coming out today. Very much
15 appreciate it.

16 * * * * *

17 MEETING CONCLUDED AT 4:49 P.M.

18 * * * * *

19
20
21
22
23
24
25

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I hereby certify that the foregoing proceedings,
hearing held before Director Jones was reported by me
on 5/2/2017 and that I, Seth R. Baier, read this
transcript, and that I attest that this transcript is
a true and accurate record of the proceeding.


Court Reporter
Seth R. Baier