

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF

ENVIRONMENTAL PROTECTION

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IN RE: DEPARTMENT OF ENVIRONMENTAL JUSTICE LISTENING
SESSION, LANCASTER

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BEFORE: PATRICK MCDONALD, Chair
Carl Jones, Director
John Brakeall, Regional Coordinator

HEARING: Monday, May 15, 2017
5:00 p.m.

LOCATION: HACC Lancaster Campus
East Building, Room 203
1641 Old Philadelphia Pike
Lancaster, PA 17607

ORIGINAL

WITNESSES: Tim Spiece, Christine Brubaker, Regina
Detiretano, Saheed Sabur, Patrick Grater, Sehirlyn
Kamara, Tom Torres, Joe Heller

Reporter: Seth Baier

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E X H I B I T S

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P R O C E E D I N G S

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2 -----
3 CHAIR: First on our list is Tim
4 Spiece. And I apologize in advance if I
5 mispronounce your name.

6 MR. SPIECE: Yeah. If you were a
7 telemarketer, I would have hung up on you anyway.

8 I didn't think I was first on the list
9 so I wasn't ready, but here we go.

10 My name is Tim Spiece. I'm here
11 tonight representing a group you may have heard of
12 called Lancaster Against Pipelines. We have been to
13 the hearings, the pipeline infrastructure taskforce
14 hearings, that former Secretary Quigley held. We've
15 been actively working to stop the Atlantic Sunrise
16 Pipeline.

17 And march in alliance citizens. Had
18 the DEP engaged in march in alliance citizens, what
19 is --- that's a very broad term, and you may
20 reference civil rights. There's a movement in this
21 country that's growing that no one can ignore where
22 people are saying no to a build out of gas and oil
23 infrastructure. Cancer is sprouting out all over
24 the county; Lancaster, Texas, Florida, New Jersey,
25 Ohio. And you have to ask yourself, we'd like for

1 the DEP to ask themselves why is this?

2 I'm a construction superintendent.
3 Believe me, I have better things to do with my life
4 than to camp out in a Conestoga and stand in front
5 of bulldozers and get arrested. So you need to ask
6 yourselves, why are these people doing this? Is
7 there a reason? Is there a good just reason? That
8 is exactly what this is about. This is about social
9 justice. This is civil rights.

10 And Carl, I see that you're of
11 African-American descent so I'm hoping to relate
12 this is about civil rights. And this is going back
13 to the '60s when four young black men went into a
14 lunch counter and sat down to order lunch where they
15 knew they weren't allowed. And they brought their
16 toothbrushes with them because they knew they were
17 going to jail.

18 That's the position that we are in.
19 We don't want to be in this position. That's the
20 position we are in. Environmental Justice, there's
21 people along the Atlantic Sunrise Pipeline who -
22 I'll mention Kate Brown's name, because I know she
23 wouldn't mind that because of this pipeline being
24 forced upon this - and for those of you that don't
25 know, this is a 42-inch 1500 pound high pressure gas

1 transmission line that, no matter what the industry
2 says, is for transporting gas overseas to three
3 export facilities.

4 So the word from the industry is that
5 oh, there will be gas available for this country is
6 not true. Three export facilities so very little
7 will be available domestically.

8 And they will have their property
9 values decreased. They will - the threat of
10 explosions or environmental disaster - and again,
11 the industry will say that doesn't happen. I would
12 like to direct you to the Rover pipeline in Ohio
13 that several days ago, they spilled several millions
14 gallons of drilling fluid and the land - Ohio EPA
15 estimates it will take decades to recover from that.

16 And it's the same pipeline - that
17 pipeline was approved the same day ours was by FERC.
18 And now already, in several months time, they have
19 an environmental disaster. That's what we fear in
20 Conestoga in the Lancaster area and throughout the
21 whole route.

22 I see I only have 30 seconds left, so
23 I need to move on to - I know you don't regulate
24 these pipelines, that you deal with fracking. This
25 pipeline would not exist without fracking and vice

1 versa.

2 So what I would like to ask you is
3 what does Maryland and New York and Vermont know
4 that Pennsylvania does not know? The answer to that
5 is the industry is already here.

6 The DEP is influenced by the industry,
7 and I would like to ask all you DEP employees here -
8 for the next four years, you need to either bow to
9 pressure from the top down, from this administration
10 that is hell bent on turning back every
11 environmental regulation that we have in place now.
12 Or you'll bow to pressure from the bottom up, which
13 is myself and thousands and thousands of other
14 people across the state.

15 And you need to ask yourself what
16 you're going to do because the Department of
17 Environmental Protection - and I'd like to make one
18 more point, that if anyone doesn't know, the
19 Department of Environmental Protection in
20 Pennsylvania is suing two communities, Highland
21 Township and Grant Township, for passing laws to try
22 and protect their environment.

23 I want you all to sit and think about
24 the irony of that, that these people here tonight
25 are suing small communities for trying to protect

1 their environment. So if you're going to side with
2 the people that are getting pressure from the top
3 down, I would ask if you'd please have the courtesy
4 to change the name of your Department.

5 Because what you're doing is not
6 protecting the environment. You're facilitating
7 something that has proven harmful to our environment
8 and harmful to the people around fracking and
9 harmful to the people around gas pipelines that are
10 trying to carry this fracked gas overseas for
11 billionaires to increase their bottom line.

12 If you're really concerned about
13 environmental justice, you will look at the whole
14 ball of wax, not just little pieces, because that's
15 what this is about. Environmental justice is civil
16 rights. And I'm so glad you brought up civil
17 rights, because this is just another civil rights
18 movement.

19 Thank you.

20 CHAIR: Next, we have Christine
21 Brubaker.

22 MS. BRUBAKER: Well, I signed in.

23 CHAIR: Would you like to speak? You
24 don't have to.

25 MS. BRUBAKER: Well, I'd like to make

1 a comment.

2 CHAIR: Okay.

3 MS. BRUBAKER: Prior to greeting the
4 chair, I frankly knew nothing about your Department.
5 And it turns out that in 2015 you actually
6 officially exist by name. So it's 2017 and you
7 know, I'm a fast read, but probably not fast enough
8 to do a real catch up, but I'll try. I looked at
9 your brochure, and I asked you in advance if I could
10 speak on an issue that seems not to apply, and you
11 said yes.

12 So I'm going to speak for people who
13 are dead. And the dead people are the Americans in
14 my township, which has registered on the national
15 level burial sites of villages. And the justice to
16 those dead people is really not being well served by
17 the pipeline that's going through exactly what their
18 heritage had been and what our historical values
19 were and are.

20 And it's very hard to honor Native
21 Americans under this kind of crisis. There are
22 groups that exist in Lancaster County, one of which
23 is called Circle Rights. It's a non-profit. It
24 does a great job, and it's doing an even better job
25 now because it's feeling prompted to explore and

1 expand Native American education, not just rights
2 but education. And I understand that the State of
3 Pennsylvania has actually tapped some of these
4 people to help create an eco-tourism effort much
5 like the Underground Railroad tourism effort.

6 Well, it's very hard to create
7 something positive when it is being destroyed. So
8 I'd want you to consider the justice to the history
9 of Glasgow and Oleander Townships. They are the
10 best examples according to the state, of Native
11 American heritage and sites in the whole eastern
12 seacoast, but yet the pipeline is going right
13 through sections of William Penn land, which has
14 historical value in addition to Native American
15 heritage.

16 So please consider the justice.
17 Thank you.

18 CHAIR: Next is Regina.

19 MS. DETIRETANO: Good morning. I'm
20 Regina Detiretano. I actually have - I have a
21 number of things I want to just go over of concern.

22 I'm concerned about the cost of living
23 and affordable housing in the city and even really
24 in the township, even in the other townships or
25 towns. If you say whatever - I'm not sure what the

1 numbers are, but it kind of feels like the average
2 cost of - and expectations for the middle class
3 doesn't match. And I think that they've got a lot
4 of really good industry in Lancaster, but things
5 went up in price and people can't really afford some
6 those on their own anymore. Like a one bedroom is
7 too expensive for someone that works for a mid-range
8 job. And the local employers, people that have, you
9 know, local companies that you want everyone to work
10 at, but yet the average rate is still \$15 an hour
11 maybe after you've been there a few years. And that
12 you still can't afford to live on your own at that
13 wage, which I don't think is -.

14 Also, there aren't enough bike lanes
15 or bus routes to get to those jobs. For example,
16 there's a number of employers that employ people
17 from Lancaster, but really don't pay them enough for
18 them to be able to live and own a car.

19 Also, I do think that the Lancaster
20 Parking Authority has really taken over downtown,
21 and the people that live in town are ticketed so
22 often. I pay probably more than \$500, probably
23 closer to \$1,000 in parking tickets from downtown.
24 And I also work downtown. And you know, nearly
25 \$1,000 and last year I made \$18,000. So that sucks.

1 In the past six months, I've been
2 afraid to drink the water coming out of my tap - the
3 55,000 gallons of oil that was - Susquehanna -.

4 And also I did comment on the
5 pipeline. You know, we have the most pristine
6 farmland in the nation. And I don't know why.
7 There's so many preserved farms and preserved
8 farming communities that really are the backbone of
9 the economy of this area. And you have no right to
10 damage or corporations have no right to take that
11 from us.

12 It would only drive out the whole
13 area, if we can't drink the water and can't farm the
14 land, which is where that is going if you look at
15 populations that aren't with us, you know, ten years
16 ago.

17 Also a municipal water advisory
18 affecting an area, I don't think there's enough
19 notice to residents. There really should be a -
20 especially if it's more than a few hours - we should
21 be able to drink our water.

22 Also, there is no one checking for
23 speeding and that should be accomplished as well. I
24 know there's an elementary school and people go
25 frequently 50 miles an hour down that road. There's

1 also traffic flow problems in more densely populated
2 areas. That is a problem which is also a problem
3 for the population.

4 CHAIR: Saheed Sabur.

5 MR. SABUR: Greetings. I am
6 developing a garden program on Sixth Avenue, excuse
7 me, at 630 Sixth Avenue, and - 618. It was 618 to
8 630. And we have directly across from us what had
9 been a recycling place. And the neighbors have
10 complained that the garden was creating rodents that
11 were coming into their gardens.

12 And in fact, what they saw were
13 groundhogs that were digging their way under the
14 garden and the shed. Well, because of the recycling
15 plant and the garbage trucks that have gone in there
16 I'm sure that there have been many sightings of
17 rodents within there. Now the recycling plant has
18 closed down and they're undecided about what they're
19 going to do there.

20 I think that at least the - because
21 there's so much garbage and cans and whatever is in
22 there, cans and oils and whatever would have been in
23 those cans - those oil containers. We don't know
24 what has seeped into the soil.

25 So before we have any kind of

1 development there, I think that that soil needs to
2 be checked by you folks before the ground is broke
3 at all.

4 And that's just going to be a concern
5 because of the garden that we have. I would like to
6 see more gardens, community gardens, grow in that
7 area if you have any influence on that.

8 Mine was a little short.

9 Thank you.

10 CHAIR: Dave Zimmerman.

11 Patrick Grater.

12 MR. GRATER: Thank you, Director Jones
13 and Secretary McDonnell for being here this evening.
14 I appreciate that, trying to prevent complete
15 destruction of our federal Environmental Protection
16 Agency.

17 My name is Patrick Grater. I work
18 with the Sierra Club. I'm a Sierra Club
19 representative. I've only been on the job about six
20 weeks.

21 Before that, for about for about five
22 and half years, I was Executive Director of a group
23 called Center for Global Justice in southwestern
24 Pennsylvania, which is an environmental
25 organization. So I haven't worked on organizations

1 for a number of years.

2 What I found over that time is DEP is
3 too reluctant to use the authority it has to address
4 these problems. It is good that you were holding
5 these listening sessions. It is good that you're
6 seeking to improve processes that you had at your
7 disposal, but also you do have tools right now that
8 you can use.

9 I was in the room a year ago plus ---
10 well, maybe 14 months ago, when the senior executive
11 in Harrisburg mentioned that one of the factors they
12 use to decide where to locate gas well equipment was
13 whether there were rich people's homes there. I was
14 in that room. I heard it, and he was not joking and
15 he said it was as matter of factly as anything else.
16 That was just another factor to look at on a
17 checklist.

18 I've been in coal mining permit
19 meetings for years, which quite literally decided
20 the fate of people's lives, whether their homes
21 would be destroyed. And those meetings were held
22 during day from 1:00 to 3:00 making it nearly
23 impossible for people to participate in the group,
24 especially if they have work.

25 I have reviewed permits at DEP offices

1 with more than 500 separate permit violations of
2 pollution standards under the Clean Water Act
3 without a single notice of violation or a single
4 enforcement action from the DEP. I know presently
5 there are more than 12 coal-fired power plants in
6 Pennsylvania with expired Clean Water Act permits
7 that DEP is allowing to continue to operate.
8 Outdated pollution controls have a direct impact on
9 Pennsylvania's water supply.

10 I know the piecemeal permitting
11 structure that allows combined impacts of different
12 industries, shale, gas and coal mining, to go
13 unaccounted for. Or to allow pipeline permitting to
14 go piecemeal, piece by piece, without any sort of
15 comprehensive analysis of what the overall impact is
16 on the communities in which these industries
17 operate.

18 I also know that we do have
19 Constitutional protection to guide all of our
20 activities here. Article 1, Section 27, which is
21 the same article in the Constitution as our freedom
22 of speech, our freedom of religion and our freedom
23 to assemble, but is not treated with nearly the
24 sanctity as those other sections of Article I are.

25 I'm going to try to wrap up, I see -.

1 So that Constitutional duty, to
2 guarantee all Pennsylvanians the right to clean air
3 and clean water for present and future generations
4 should govern every entity. It trumps any faction.
5 It trumps any regulations. It's a Constitutional
6 mandate.

7 Also, rather than having a - the state
8 Office of Environmental Justice, I hope Director
9 Jones is empowered to have an opportunity to weigh
10 in on all activities that DEP undergoes. It should
11 not be its own entity. It should be --- it should
12 be - it should be part of the culture of DEP.

13 Take Environmental Justice seriously
14 into consideration on every single permit that you
15 do.

16 So much of this information has a
17 direct impact on people's lives and it's nearly
18 impossible for people who work to have access to.
19 Scheduling in Harrisburg and in Philadelphia is
20 challenging for professional - I'm a lawyer and I
21 have a difficult time going through boxes and boxes
22 and boxes of materials, and I'm paid to do that.

23 People who have families and full-time
24 responsibilities - it can be frustrating to the
25 point of, you know, causing people to disengage in

1 the process.

2 I will follow up on the Atlantic
3 Sunrise, which I know - hopefully the other people
4 will speak with more detail, but I know it's of
5 particular concern to this community. But I also
6 just want to say the fact that these policies have
7 not been reviewed in 10 years - I want to thank you
8 for doing that now. But I hope that it becomes part
9 of the entire culture. I hope again, Secretary,
10 you're committed to that. And I'm hoping again that
11 that will have a meaningful change for the benefit
12 of all residents of the Commonwealth.

13 Thank you.

14 CHAIR: Sehiryln?

15 MS. KAMARA: When it starts getting
16 warm, everybody, they shoot fireworks over at the
17 ballpark. And I'm thinking you shoot fireworks.
18 That's nuts. Somebody is breathing that stuff in.
19 And I just wanted to bring that up.

20 But my real concern is I work with
21 teaching young people about global warming and about
22 environmental issues and how we - it's up to us to
23 make the change in our community, because I live in
24 an African-American and Hispanic community, and a
25 lot of the people that I work with are refugees as

1 well.

2 And so we - what we do is we take
3 clothes that nobody wants, materials, anything, and
4 - sewing machines. We teach them how to repair
5 sewing machines. We teach them how to take the
6 clothes and fabric and make it into something that's
7 new. But we also educate them about the importance
8 of doing what we're doing, because 10 percent of
9 clothing go into the landfill. And we're talking
10 about a ton of money, nine billion pounds of clothes
11 that will fall into the landfill. And some people
12 throw them in the incinerator.

13 If you incinerate those things, they
14 still have to go up in the air somewhere. So I'd
15 rather see people try to keep it out of the landfill
16 as long as possible, and also turn it into an
17 economic development piece. Because we try to teach
18 young people as well as the older people how to make
19 things that they can then turn into a business.

20 So it's not just about recycling, but
21 it's being able to turn that into an economic
22 development for themselves in the community
23 especially. In our community, African-Americans are
24 not represented downtown. We just got there, so
25 we're trying to raise up our community. I was on

1 the poverty commission for the mayor this year. So
2 that was one of the things that he talked about, was
3 economic development. And I always threw in there
4 let's talk about the clothing that's going into the
5 landfill.

6 And the state of Pennsylvania - I'm
7 also taking classes to become a professional
8 recycler. I go to these classes and they're not
9 talking about clothing. So in the State of
10 Pennsylvania, no one is talking about clothes.
11 We're talking about glass. We're talking about
12 metal. We're talking about plastic. But what about
13 clothing? They're still going into the landfill.
14 We've got to do something about it.

15 There are charity organizations - if
16 the stuff is not what they can sell, they're not
17 taking it. And Kenya and the rest of the countries
18 overseas, they don't want our stuff anymore. It's
19 garbage. So where does it go? In the landfill.
20 Thank you.

21 CHAIR: That's everybody that we had
22 on the list. I put a checkmark next to their name
23 to speak. Does anyone else like to speak at this
24 time?

25 MR. TORRES: Yes. Hi. My name is Tom

1 Torres, and I'm with the Sierra Club Pennsylvania
2 Chapter. For the last two years, I've been working
3 with communities who live along the proposed route
4 of the Atlantic Sunrise pipeline. And during that
5 time, I've watched community members - many who
6 viewed the docket for the Atlantic Sunrise better
7 than I did, the permit process both at the state and
8 federal levels.

9 And during that time - you know,
10 meanwhile, there's a permit, and the interior and
11 EPA and other agencies and many other advocates are
12 expressing serious concerns about this particular
13 project and its related permitting due to lack of
14 adequate information and public participation
15 processes.

16 For example, under the new pages of
17 information that was added to the docket well after
18 the close of the time period for the drafting of the
19 statement, this information was not part of the
20 public record at the time. The people did not have
21 the time to adequately review it or to give any
22 comment on it.

23 The members - and well, the public
24 members were the Army Corps of Engineers - violated
25 public participation requirements by not including

1 public access to the complete permit application.

2 An example a little closer to home.
3 The Susquehanna River Basin Commission's application
4 was six to eight months and only published notice of
5 them after the public comment period on the drafting
6 of an environmental impact statement had passed.
7 The public was not given an opportunity to review
8 and comment on a critical aspect of the project
9 during the process.

10 This is just one of - this is just a
11 few examples of an issue that we know is pervasive
12 to this entire process. The Atlantic Sunrise
13 pipeline impact disclosure and public participation
14 requirement -. The DEP should encourage this does
15 not happen with future projects.

16 So we ask the DEP to do all in its
17 power to ensure that the people of Pennsylvania have
18 the information necessary to provide informed public
19 comment and that sufficient participation
20 opportunities are provided by the Department.

21 The DEP must play an active role in
22 correlating with the state and federal agencies to
23 allow for transparency and comprehensive public
24 participation as required by state law. And the DEP
25 should ensure that a comprehensive cumulative impact

1 analysis that includes at a minimum a list of
2 products - to be expected in these projects, and a
3 quantification of impacts for all natural gas
4 infrastructure projects.

5 And finally, perform typical
6 administrative duties, that Pennsylvania DEP should
7 ensure that the needs are consistent with the
8 environmental - with states. The people have a
9 right to clean air, pure water, and to the
10 preservation of the natural scenic, historic and
11 aesthetic values of the environment.

12 Thank you.

13 CHAIR: Is there anyone else that
14 would like to speak?

15 MR. HELLER: My name is Joe Heller.
16 I'm a safety inspector with a local construction
17 company. I'm a longtime resident of the area. I've
18 been noting most of the local streams from back in
19 the '70s are much cleaner now than they used to be.
20 So whatever it was, much appreciation for that
21 improvement.

22 We do have some residual issues and
23 challenges. One is sediment collecting behind the
24 old power dams, and now we're having a need for -
25 well, we're recognizing the need for clean power.

1 So if we could somehow preserve or
2 regenerate the small stream power generation in
3 combination with the recovery rate - branching out
4 recovery and recycling the sediment.

5 So what used to be farmland - and
6 there's no better thing perhaps than putting that
7 back to being farmland. If you could facilitate
8 that in any way, I'd certainly appreciate that.

9 Thank you.

10 CHAIR: Anybody else?

11 MR. SPIECE: Yeah, I'm Tim Spiece
12 again. So I need to go first, because a lot of
13 people said some things that reminded me of what I'd
14 like to say. I didn't really spend as much time
15 earlier talking about the pipeline. I understand
16 it's a federal issue, but it's not. The state
17 stopped the constitution by - the permit, and just
18 letting it there, like the pipeline while other
19 groups, I assume the DEP, put in the water quality
20 certification that allows this pipeline to be built.

21 Next one here mentioning global
22 warming. You talk about marginalizing people. How
23 about the world? How about the - she talked about
24 refugees. There are already people moving out of
25 sub-Saharan Africa because they have no water. They

1 can't get food. They're starving. So global
2 warming, the effects of global warming are not a
3 future thing. They're happening right now. And so
4 those people are marginalized.

5 I know, I believe, that most of the
6 people want to give you the benefit of the doubt
7 that you really believe that the Department of
8 Environmental Protection is doing just that. But
9 you're not. You allow industry to do what it needs
10 to do. You decide where the harm will be. You
11 don't decide whether it will be or not.

12 And again, so glad you mentioned civil
13 rights, because what I want to ask you people,
14 especially you, Secretary McDonnell, in the future,
15 when we look back on these days right now with this
16 - with this build out of gas infrastructure, are you
17 going to be seen as Dr. King or George Wallace?

18 So tonight when you go home, you can
19 take your state hat off and you can sit down in the
20 chair and think about who you are and what your
21 impact on the world will be. And I think about it
22 every day or I wouldn't be here tonight.

23 What's your impact? What's your
24 lasting legacy going to be to the state of
25 Pennsylvania and to the country and to the world?

1 Is it going to be to taking people's property from
2 them so they can export gas and increase global
3 warming, so refugees and people in third world
4 countries, marginalized people, can die and starve
5 and suffer drought?

6 Is that what you're doing? Because
7 when you permit, when you allow a water quality
8 permit to a pipeline, you're essentially saying we
9 think this is a good thing. And it's not. You have
10 to look at the whole thing.

11 You can't just look like Tom mentioned
12 and Patrick mentioned, you can't just look at one
13 little section. You have to look at the whole thing
14 of what we're doing.

15 And this pipeline represents
16 everything that's wrong with our government,
17 everything that's wrong with the corporate influence
18 on our government officials, and it filters down to
19 you. You don't get to do what's right. You do what
20 you're told.

21 And I am stating that the grass roots
22 people in this county, in this state, and across the
23 country and the world are done. We're done, because
24 we really want to - those of us that believe global
25 warming is real and can see it's already happening,

1 that in 10, 20 years, the people of Bangladesh will
2 be under water and they'll have to go somewhere else
3 where they won't be wanted or accepted. It's
4 already happening.

5 That's - that's what this pipeline is.
6 It's not happening to someone else, though. It's
7 happening right here in Lancaster County. And so
8 you need to ask yourself, if we need a push, you
9 need a push, you need a push.

10 If you believe what's happening is
11 wrong and that this - this department is just here
12 to facilitate corporate interests instead of
13 protecting the people that it's supposed to protect,
14 then you need to stand up and take a chance, just
15 like I take a chance.

16 Because I work for a company that's
17 about to build a large infrastructure building for a
18 gas company. I'm not going to mention who. So I
19 got to be very careful. I'm taking a risk tonight by
20 standing here and talking to you. I could lose my
21 job because of it. What risk do you folks take?
22 You need to protect us, not the industry.

23 Thank you.

24 CHAIR: Is there anyone else that
25 would like to speak?

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I want to give you our contact information again, and I want to say thank you for coming out and for giving us testimony. Again, this is not the last time we'll be here for you. Please feel free to share the contact information brochure, our website, where people - make contact with us.

Thank you again for coming out this afternoon and we hope to see you soon.

* * * * *

HEARING CONCLUDED AT 5:53 P.M.

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CERTIFICATE

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I hereby certify that the foregoing proceedings,
hearing held before Chair McDonald was reported by me
on 5/15/2017 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