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

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

Reporter: Seth Baier

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INDEX

STATEMENT
By Mr. Spiece  4 - 8
STATEMENT
By Ms. Brubaker  8 - 10
STATEMENT
By Ms. Detiretano  10 - 13
STATEMENT
By Mr. Sabur  13 - 14
STATEMENT
By Mr. Grater  14 - 18
STATEMENT
By Ms. Kamara  18 - 20
STATEMENT
By Mr. Torres  20 - 23
STATEMENT
By Mr. Heller  23 - 24
STATEMENT
By Mr. Spiece  24 - 27
CLOSING REMARKS
By Chair  27 - 28
CERTIFICATE  29
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NONE OFFERED</td>
<td></td>
</tr>
</tbody>
</table>
PROCEEDINGS

CHAIR: First on our list is Tim Spiece. And I apologize in advance if I mispronounce your name.

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

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

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

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

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

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

That's the position that we are in. We don't want to be in this position. That's the position we are in. Environmental Justice, there's people along the Atlantic Sunrise Pipeline who - I'll mention Kate Brown's name, because I know she wouldn't mind that because of this pipeline being forced upon this - and for those of you that don't know, this is a 42-inch 1500 pound high pressure gas
transmission line that, no matter what the industry
says, is for transporting gas overseas to three
export facilities.

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

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

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

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

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

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

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

I want you all to sit and think about the irony of that, that these people here tonight are suing small communities for trying to protect
their environment. So if you're going to side with
the people that are getting pressure from the top
down, I would ask if you'd please have the courtesy
to change the name of your Department.

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

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

Thank you.

CHAIR: Next, we have Christine
Brubaker.

MS. BRUBAKER: Well, I signed in.

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

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

CHAIR: Okay.

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

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

And it's very hard to honor Native Americans under this kind of crisis. There are groups that exist in Lancaster County, one of which is called Circle Rights. It's a non-profit. It does a great job, and it's doing an even better job now because it's feeling prompted to explore and
expand Native American education, not just rights
but education. And I understand that the State of
Pennsylvania has actually tapped some of these
people to help create an eco-tourism effort much
like the Underground Railroad tourism effort.

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

So please consider the justice.

Thank you.

CHAIR: Next is Regina.

MS. DETIRETANO: Good morning. I'm
Regina Detiretano. I actually have - I have a
number of things I want to just go over of concern.
I'm concerned about the cost of living
and affordable housing in the city and even really
in the township, even in the other townships or
towns. If you say whatever - I'm not sure what the
numbers are, but it kind of feels like the average
cost of - and expectations for the middle class
doesn't match. And I think that they've got a lot
of really good industry in Lancaster, but things
went up in price and people can't really afford some
those on their own anymore. Like a one bedroom is
too expensive for someone that works for a mid-range
job. And the local employers, people that have, you
know, local companies that you want everyone to work
at, but yet the average rate is still $15 an hour
maybe after you've been there a few years. And that
you still can't afford to live on your own at that
wage, which I don't think is -.

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

Also, I do think that the Lancaster
Parking Authority has really taken over downtown,
and the people that live in town are ticketed so
often. I pay probably more than $500, probably
closer to $1,000 in parking tickets from downtown.
And I also work downtown. And you know, nearly
$1,000 and last year I made $18,000. So that sucks.
In the past six months, I've been afraid to drink the water coming out of my tap — the 55,000 gallons of oil that was - Susquehanna -. And also I did comment on the pipeline. You know, we have the most pristine farmland in the nation. And I don't know why. There's so many preserved farms and preserved farming communities that really are the backbone of the economy of this area. And you have no right to damage or corporations have no right to take that from us.

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

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

Also, there is no one checking for speeding and that should be accomplished as well. I know there's an elementary school and people go frequently 50 miles an hour down that road. There's
also traffic flow problems in more densely populated areas. That is a problem which is also a problem for the population.

CHAIR: Saheed Sabur.

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

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

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

So before we have any kind of
development there, I think that that soil needs to be checked by you folks before the ground is broke at all.

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

Mine was a little short.

Thank you.

CHAIR: Dave Zimmerman.

Patrick Grater.

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

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

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

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

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

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

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

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

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

I'm going to try to wrap up, I see -. 
So that Constitutional duty, to
guarantee all Pennsylvanians the right to clean air
and clean water for present and future generations
should govern every entity. It trumps any faction.
It trumps any regulations. It's a Constitutional
mandate.

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

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

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

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

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

Thank you.

CHAIR:  Sehryln?

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

But my real concern is I work with teaching young people about global warming and about environmental issues and how we - it's up to us to make the change in our community, because I live in an African-American and Hispanic community, and a lot of the people that I work with are refugees as
And so we - what we do is we take clothes that nobody wants, materials, anything, and sewing machines. We teach them how to repair sewing machines. We teach them how to take the clothes and fabric and make it into something that's new. But we also educate them about the importance of doing what we're doing, because 10 percent of clothing go into the landfill. And we're talking about a ton of money, nine billion pounds of clothes that will fall into the landfill. And some people throw them in the incinerator.

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

So it's not just about recycling, but it's being able to turn that into an economic development for themselves in the community especially. In our community, African-Americans are not represented downtown. We just got there, so we're trying to raise up our community. I was on
the poverty commission for the mayor this year. So that was one of the things that he talked about, was economic development. And I always threw in there let's talk about the clothing that's going into the landfill.

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

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

Thank you.

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

MR. TORRES: Yes. Hi. My name is Tom
Torres, and I'm with the Sierra Club Pennsylvania Chapter. For the last two years, I've been working with communities who live along the proposed route of the Atlantic Sunrise pipeline. And during that time, I've watched community members - many who viewed the docket for the Atlantic Sunrise better than I did, the permit process both at the state and federal levels.

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

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

The members - and well, the public members were the Army Corps of Engineers - violated public participation requirements by not including
public access to the complete permit application.

An example a little closer to home.

The Susquehanna River Basin Commission's application was six to eight months and only published notice of them after the public comment period on the drafting of an environmental impact statement had passed. The public was not given an opportunity to review and comment on a critical aspect of the project during the process.

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

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

The DEP must play an active role in correlating with the state and federal agencies to allow for transparency and comprehensive public participation as required by state law. And the DEP should ensure that a comprehensive cumulative impact
analysis that includes at a minimum a list of products - to be expected in these projects, and a quantification of impacts for all natural gas infrastructure projects.

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

Thank you.

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

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

We do have some residual issues and challenges. One is sediment collecting behind the old power dams, and now we're having a need for - well, we're recognizing the need for clean power.
So if we could somehow preserve or regenerate the small stream power generation in combination with the recovery rate - branching out recovery and recycling the sediment.

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

Thank you.

CHAIR: Anybody else?

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

Next one here mentioning global warming. You talk about marginalizing people. How about the world? How about the - she talked about refugees. There are already people moving out of sub-Saharan Africa because they have no water. They
can't get food. They're starving. So global
warming, the effects of global warming are not a
future thing. They're happening right now. And so
those people are marginalized.

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

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

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

What's your impact? What's your
lasting legacy going to be to the state of
Pennsylvania and to the country and to the world?
Is it going to be to taking people's property from them so they can export gas and increase global warming, so refugees and people in third world countries, marginalized people, can die and starve and suffer drought?

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

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

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

And I am stating that the grass roots people in this county, in this state, and across the country and the world are done. We're done, because we really want to - those of us that believe global warming is real and can see it's already happening,
that in 10, 20 years, the people of Bangladesh will
be under water and they'll have to go somewhere else
where they won't be wanted or accepted. It's
already happening.

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

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

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

Thank you.

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

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HEARING CONCLUDED AT 5:53 P.M.

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CERTIFICATE

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.

[Signature]

Court Reporter
Seth R. Baier

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