

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: MODIFICATION TO INCORPORATE EMISSION REDUCTION
CREDITS AND APPROVE OZONE INTERPRECURSOR TRADING

* * * * *

BEFORE: MELANIE WILLIAMS, Chair
MARK GOROG, P.E., Air Quality Program
Manager
DANA DRAKE, P.E., Environmental Engineer
HEARING: Thursday, December 15, 2016
7:00 p.m.
LOCATION: Central Valley High School
160 Baker Road
Monaco, PA 15061

Reporter: Juliette Hoffman

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2 WITNESSES: Rebecca Matsco, Lisa Graves-Marcucci,
3 Elizabeth Joyner, Adam Tuznik, Kevin Sunday, Michael
4 DiLauro, James Fabisiak, Angela Taranto, Dave Smith,
5 Celia Janosik, Katie Klaber, Patty Horvatic, Patrice
6 Tomcik, Stephanie Wissman, Rob Walters, Matt Crocco,
7 Lois Bower-Bjornson, John McGreevy, Mark Dixon, Joanne
8 Martin, Elisa Beck, Terrie Baumgardner, Chelsea
9 Holmes, Marcia Lehman, Tim Wetzell, Joyce Purkaly, Jim
10 Palmer, Peter Deutsch, Louise Loncar, Bridget Johnson,
11 Aaron Bonnaure, Catherine Greer, Stephanie Carter,
12 Barbara Grover, Joseph Mirt, Nancy O'Leary, Fusheela
13 Nemani-Stanger, Sandie Egley, Jack Manning, Jennifer
14 Tanner, Lisa Hallowell, Joy Sabi, David Taylor, Parker
15 Webb, Kate O'Brien, Thaddeus Popovich, Lisa DeSantis,
16 Robert Nishikawa, Edwin Hill, K. Fitzpatrick, Emily
17 Collins, Diane Cauley, Kari Pohl

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NONE OFFERED

P R O C E E D I N G S

CHAIR:

Copies of testimony are appreciated, but not required. If you would like to provide --- if you would prefer not to testify, but want to have testimony on the public record, you may hand your copy of your statements to the court reporter. And if you have a statement with you, you can put it in the box by the court reporter if you still want to testify. We ask that if you are speaking on behalf of a group, we'd like your comments from one spokesperson. If you do not wish to testify, you may write your comments and submit them directly to the DEP Southwest Regional Office. The public comment period ends December 26th, 2015 at 4:00 p.m.

We ask that you are respectful of those that are testifying. And that you refrain from making comments while folks are speaking. We welcome your testimony. However, your testimony should be focused on the issues concerning DEP's intent to issue the amendment to the National Pollutant Discharge Elimination System at Permit Number PA0002208 for the discharge of treated wastewater and stormwater, and/or the modification to the Air Quality Plan approval

1 PA0400740A to incorporate Emissions Reduction Credits.

2 However, these comments would have an
3 impact on our decision-making only if they are
4 relevant to the technical issues that are before us.
5 We have to make our decision based upon technical
6 merit. DEP's actions are both prescribed by statute
7 and regulation. And applications either rise or fall
8 based on their merit.

9 Given these guidelines, we will begin
10 hearing testimony. When you are called, please
11 approach the podium, state and spell your first and
12 last name, and provide your home address. I am going
13 to call the speaker and then another individual to be
14 ready from our list. And we will start with Rebecca
15 Matsco.

16 MS. MATSCO:

17 Good evening. My name is Rebecca
18 Matsco, R-E-B-E-C-C-A, M-A-T-S-C-O. On behalf of the
19 residents and the Board of Supervisors from Potter
20 Township, Beaver County, I want to thank you for this
21 opportunity to address the Department and to recognize
22 that with its application for emissions reduction
23 credit and the water discharge permit, Shell Chemicals
24 Appalachia is fulfilling requirements of our
25 township's conditional use permitting process. The

1 DEP must consider these permit applications as part of
2 policy and regulations developed within a democratic
3 process, the collaboration of government, academia,
4 industry and environmental advocacy. And we request
5 that you honor and contribute to that process.

6 Several months ago, we publically
7 charged you with protecting air and water that could
8 be impacted by a proposed petro-chemical facility in
9 Potter Township, where we have no authority to do so.
10 Tonight we again advocate for the health, safety and
11 welfare of our community and those surrounding it by
12 urging you to make fullest and highest use of your
13 jurisdiction and responsibility in these matters.

14 Potter Township is a rural, industrial
15 community which describes our place, has formed our
16 people, and has been the basis of much of our pride.
17 But industry is a dynamic term. Our neighborhood will
18 no longer be accustomed to smoke stacks, loud
19 machinery and glaring floodlights. Instead, it is
20 already characterized by whispering steam, humming
21 motors and high-efficiency LEDs. Even as the
22 manufacturing of our past is replaced by state of the
23 art facilities, applying Emission Reduction Credits at
24 a given point in time to an emerging industry causes
25 continuously diminishing emissions across the Beaver

1 Valley and beyond.

2 It is this dynamic context, which
3 informs your charge in the current permitting process,
4 as technology and science progress, whether influenced
5 by crisis, public opinion or the sheer possibilities
6 of human ingenuity, we ask the Department of
7 Environmental Protection and the Federal EPA policies
8 it implements to make our region ever cleaner, safer,
9 and healthier through programs like the Emissions
10 Reduction Credits.

11 Thank you for coming alongside Potter
12 Township with education and information, policy and
13 power to make us a better place to be. Thank you.

14 CHAIR:

15 Thank you. Lisa Grave-Marcucci followed
16 by Elizabeth Joyner.

17 MS. MARCUCCI:

18 Thank you. I'm Lisa Grave-Marcucci and
19 I live in Pittsburgh, Pennsylvania. Shell wants to
20 build a ---.

21 CHAIR:

22 I'm sorry, could you spell your name for
23 the court reporter and provide your address?

24 MS. MARCUCCI:

25 Graves, G-R-A-V-E-S, Marcucci,

1 M-A-R-C-U-C-C-I. And I have a business card. I can
2 give you the full address. Shell wants to build a
3 massive industrial operation, one that has never been
4 built in Pennsylvania. The DEP is being asked to
5 renew and approve permits unlike any the Southwest
6 Regional Office has ever seen. Although there remain
7 many unanswered questions and missing pieces of
8 information, there is steady pressure from elected
9 officials at all levels to fast track each of Shell's
10 approvals simply on the promise of jobs. Of course
11 jobs are important. However, no community should be
12 forced to choose between jobs or health. All
13 communities and all workers deserve better.

14 According to the DEP's own fact sheet,
15 quote, even though Shell submitted an amended
16 application, the NPDES permit will authorize
17 discharges from a completely new facility separate
18 from the previous facility located at the site,
19 Horsehead Corporation Zinc Smelter, which was
20 demolished in 2014 and '15. And I'm submitting for
21 the record a before and after. This is a Google Earth
22 picture of the zinc smelter. This is a Google Earth
23 map of the same latitude and longitude showing that
24 the plant is gone, and it's therefore completely new.

25 The Shell plant is completely new with

1 new operations. Therefore, this plant should be
2 subjected to the much stricter pollution rules. Rules
3 with the purpose of protecting the public health and
4 drinking water sources. However, Shell is sneakily
5 trying to avoid such protections by bending and in
6 some cases breaking longstanding rules. Some dating
7 back to the Nixon Administration and the inception of
8 the Clean Water Act. Rules that have long been on the
9 books that are well known by Shell must be enforced
10 for the protection of all. Particularly those living
11 near the plant and those who rely on the Ohio River
12 for their drinking water. Health protections must be
13 the priority.

14 Shell is a very profitable company.
15 They can certainly afford to protect health by
16 adhering to existing laws. In fact, news reports on
17 taxes incentives for Shell indicate, quote, over a
18 25-year window, the credit has been valued at \$1.6
19 billion, making it the largest tax break in state
20 history. Let's be clear. If I were to open a
21 trucking company and hired 600 workers, I would not be
22 exempted from obeying the posted speed limits,
23 insurance requirements or any other longstanding laws.
24 The promise of jobs has nothing to do with the
25 issuance of permits. The draft NPDES permit must be

1 denied and the DEP must require Shell to resubmit an
2 application for a new facility with all the legal
3 requirements for compliance and with all the
4 regulatory standards attached. Thank you.

5 CHAIR:

6 Thank you. Elizabeth Joyner followed by
7 Adam Tuznik.

8 MS. JOYNER:

9 Good evening. My name is Elizabeth
10 Joyner, E-L-I-Z-A-B-E-T-H, J-O-Y-N-E-R. I live at 230
11 Dravo Avenue in Beaver. I do not object to the Shell
12 cracker. I support the natural gas industry.
13 However, I do object to the proposed NPDES permit on
14 the following basis. It appears Shell is attempting
15 to bypass the Clean Water Act of Pennsylvania law that
16 requires new NPDES permits. It is trying to use the
17 Horsehead smelter's NPDES old permit. Shell says it's
18 a new source in its application, but wants to use the
19 existing NPDES permits. I would challenge the very
20 validity and continued existence of the Horsehead
21 smelter's NPDES permit of a facility that's no longer
22 operational and is demolished.

23 The Clean Water Act provides that new
24 sources must meet new source performance standards,
25 which are based on the best available demonstrated

1 control technology. Each data uses the substantial
2 independence test which looks at the degree to which
3 new business functions independently of the ---
4 function independently of the new facility. The
5 degree of integration and the extent to which the new
6 unit has engaged in the same general type of activity
7 as the existing source 40 CFR 122.29.

8 In this case, it is clear from the fact
9 of Shell's own permit application that could not be
10 more different than the former Horsehead Smelter. The
11 Horsehead Smelter plant process was to make plastic.
12 The waste streams from the Horsehead Smelter are
13 completely different than the waste streams at Shell.
14 This is not an expansion of an existing waste stream
15 at an existing facility, but a brand new discharge
16 that pollutes from a completely new facility,
17 conducted in a new waste treatment stream. To quote
18 Shell in its application, quote, Shell's request is
19 not necessarily consistent with the intent of Section
20 95.10. What they're referring to is the PA Code, 25
21 PA Code 95.10. Quote, given that the change of the
22 waste stream and/or hydraulic expansion envisioned by
23 the regulation is supposed to be an existing waste
24 stream at an existing facility, and not a new
25 discharge from a completely new facility conducting

1 different industrial activities.

2 The past hill of dissolved solids of the
3 smelter should be immaterial to the TDS discharge from
4 Shell. A new baseline water analysis should be
5 conducted on the Ohio River. The dissolved solids at
6 issue are not the same. Different industries,
7 different ways. The river should be re-evaluated.
8 Shell is claiming that processed wastewater should be
9 exempt from treatment standards. If it is classified
10 properly under Section 95.10, it would not be exempt.

11 Shell intends to use approximately 14
12 outfalls to dump toxic substances and hazardous fluids
13 into the Ohio River. Some of these outfalls are not
14 even part of the existing Horsehead permit. And there
15 is no proof what the existing --- that the existing
16 outfalls are made to handle the new waste that Shell
17 intends to dump. What work has been done to ensure
18 the operational integrity of the existing outfalls?
19 Lack of integrity could lead to the surface and
20 groundwater pollution that we do not want in our area.
21 Thank you.

22 CHAIR:

23 Thank you. Adam Tuznik followed by
24 Kevin Sunday.

25 MR. TUZNIK:

1 Hello. My name is Adam Tuznik, A-D-A-M,
2 T-U-Z-N-I-K. I live on Davidson Street in Pittsburgh.
3 First, I wanted to thank DEP for holding this hearing
4 and listening to the voices of all these concerned
5 citizens who are going to feel the effects of this
6 plant for generations to come. I really hope that
7 this is just the beginning of a series of public
8 conversations that residents can have with all of you
9 over the next several years.

10 I work with Clean Water Action, a
11 nonprofit organization that fights for strong public
12 health protections. We have roughly 3,000 members in
13 Beaver County. And we had 415 individuals sign a
14 petition to you calling on you to do everything in
15 your power to protect the health, safety and
16 environment of everyone here in Western PA from all
17 the potential impacts from the cracker plant.

18 I was shocked and disappointed to see
19 all the inadequacies in this NPDES permit. And I
20 respectfully request that you reject this application
21 altogether for several reasons.

22 First, the cracker plant is a brand new
23 facility. Completely different than the same smelting
24 operation that formerly occupied the space. Yet, DEP
25 is considering allowing Shell to amend the permit held

1 by its predecessor, rather than apply for a new permit
2 that would hold Shell accountable to a standard that
3 conforms not with the laws back then, but with the
4 laws that exist today. Allowing an amended permit
5 would essentially exempt Shell from DEP's laws
6 limiting total dissolved solids, which DEP describes
7 as, quote, having an adverse effect on aquatic life,
8 human health and drinking water supplies. In fact,
9 allowing an amendment would welcome these discharges
10 at a rate three times the limit that was created
11 specifically, in 2010, to prevent the oil and gas
12 industry from harming Pennsylvania's waterways.

13 Additionally, the draft permit deletes
14 limits and monitoring requirements related to existing
15 pollution on the site. Shell must be accountable for
16 all toxic chemicals entering out waterways from their
17 property lines, regardless of who created them in the
18 first place. Because the DEP has failed to require
19 cleanup of existing contamination at this site, active
20 monitoring and prevention of dangerous discharges must
21 be ongoing and they have to be permanent.

22 Lastly, while DEP has defined limits for
23 the concentration of the pollutants in the wastewater
24 that Shell plans to dump into our waterways, it hasn't
25 actually defined the maximum amount of wastewater that

1 can be discharged, providing Shell essentially with an
2 unlimited license to pollute.

3 It's the duty of DEP to prioritize
4 health and safety, and provide an appropriate level of
5 scrutiny and diligence in the review of Shell's NPDES
6 permit. I am not convinced that this has happened,
7 and I have to object to the permit as it's currently
8 drafted. Please insist that Shell makes these
9 corrections in any future applications. Deny. Make
10 them reapply. Thank you. Can I deliver these
11 petitions to you?

12 CHAIR:

13 Okay. Next we have Kevin Sunday,
14 followed by Michael DiLauro.

15 MR. SUNDAY:

16 Good evening. My name is Kevin Sunday,
17 K-E-V-I-N, S-U-N-D-A-Y, Pennsylvania Chamber of
18 Business of Industry, 417 Walnut Street, Harrisburg,
19 PA, 17101. On behalf of the PA Chamber, the largest
20 broad-based business advocacy association in the
21 state, I'm here to support the authorization of these
22 permits, both of which are necessary for the continued
23 progress with this facility, the construction and
24 operation of which will be of great significance to
25 advancing the state and regional economy. The

1 application materials for both authorizations make
2 clear Shell has continued to show leadership in its
3 commitment to meeting or exceeding all relevant
4 environmental criteria. The permit conditions are
5 sufficient to protect the state's air, water and the
6 public health. And I urge you to grant approval of
7 both.

8 The construction of this facility is
9 expected to support 6,000 jobs. Ongoing operation
10 will create another 600 jobs. The operation of the
11 petrochemical complex will support continued
12 development in Pennsylvania and neighboring states'
13 shale gas resources, as well as the continued success
14 of associated businesses along the supply chain. It's
15 also very possible the construction and operation of
16 this facility will attract additional manufacturing
17 facilities to the region due to the resulting
18 affordable supply of petrochemical products.

19 Business and industries writ large in
20 Pennsylvania continue to remain committed to the
21 stewardship of our state's natural resources, which
22 includes compliance with, among other requirements,
23 the state's Clean Streams law and its various
24 regulations, such as those requirements that deal with
25 the management of the stormwater and erosion and

1 sediment control. The conditions outlined in the
2 NPDES permit demonstrate more than sufficient
3 compliance with these regulations. These conditions
4 include the use of control technologies to avoid
5 impacts to surface and groundwater during construction
6 and operation, as well as appropriate management of
7 stormwater, continual monitoring of groundwater,
8 assistance in funding the Center Township Water
9 Authority's new water treatment facility. I encourage
10 your staff to grant authorization of the NPDES
11 coverage for this facility.

12 Regarding the plan approval, Business
13 and Industry in Pennsylvania is also committed to
14 protecting public health. For the past ten years,
15 we've secured significant and document reductions from
16 all criteria air pollutants. Pennsylvania's placement
17 into the Ozone Transport Region by statute has
18 historically been a challenge to the state's ability
19 to attract new manufacturing and industrial
20 facilities, given the associated permitting
21 requirement. But nonetheless, it's extremely
22 noteworthy that a facility of this size is being
23 proposed in the state's Ozone Transport Region.

24 But it is also wholly appropriate and
25 consistent with relative state and federal law for

1 this facility to be in compliance in part by the use
2 of Emission Reduction Credit. Plan approval makes
3 clear that construction and operation of this facility
4 will impede with National Ambient Air Quality
5 Standards which were established by the EPA only with
6 regard to public health. I encourage you to support
7 and approve the modification of the Air Quality Plan
8 approval. Thank you DEP for your professionalism
9 tonight and to the School District for this forum and
10 to the community for your interest in this project.
11 Thank you.

12 CHAIR:

13 Thank you. Michael DiLauro followed by
14 Dr. James Fabisiak.

15 MR. DILAURO:

16 Good evening. My name is Michael
17 DiLauro, M-I-C-H-A-E-L, D-I, capital, L-A-U-R-O, 140
18 Wilson Avenue in Beaver. I'm here tonight to voice my
19 concerns regarding industrial water --- wastewater
20 research permit. Shell has submitted an amended
21 application, not a new application for its water
22 discharge permit. Something that we've heard many
23 times tonight. This is disturbing to me as it should
24 be a concern for the DEP and the citizens of our
25 region.

1 Shell is essentially requesting to be
2 --- essentially, it's requesting to be grandfathered
3 in with this amended permit that was initially
4 permitted by a zinc facility that existed at the same
5 site for many years. Shell's petrochemical facility,
6 as they said in the little brochure I've handed out
7 here tonight and to some neighbors, that they are a
8 sustainable environmental developer. And this is a
9 new facility. And the air and water requirements
10 should represent current standards, not the ones that
11 were established years ago to an entirely different
12 production operation that existed on that site.

13 The Shell petrochemical plant has
14 different air and water pollutants than the old zinc
15 facility. Why would DEP grant an amended water
16 discharge permit to Shell that has different waste
17 stream, different pollutants and different limits on
18 discharges? This is like mixing apples and oranges in
19 my estimation.

20 I strongly suggest that Shell needs to
21 submit a new application to the DEP because it is a
22 new facility, period. It is in the best interest of
23 our community and the DEP. Thank you for your time
24 tonight.

25 CHAIR:

1 Thank you, sir. Dr. James Fabisiak
2 followed by Angelo Taranto.

3 DR. FABISIAK:

4 Hey. My name is Jim Fabisiak,
5 F-A-B-I-S-I-A-K. And I'm an associate professor in
6 Environmental & Occupational Health at the University
7 of Pittsburgh. I'd like to make some comments
8 specifically to the issues concerning the request by
9 Shell for permission to exchange NOx Emission
10 Reduction Credits for VOC Credits required to offset
11 its proposed release of these two pollutants in an
12 ozone non-attainment area.

13 First, it's important to consider what
14 impact this decision would have on the market dynamics
15 of ERC trading. Might this request manipulate the
16 market in such a way seeking to drive down the cost of
17 VOC credit whose price might be high based on low
18 availability and high demand as the petrochemical
19 sector advances into the area. This arrangement could
20 ultimately render even existing ERCs for VOCs
21 worthless and in essence de-incentivize existing
22 industries to take steps to reduce VOC emissions,
23 which negates the rationale for ERC trading in the
24 first place.

25 Second, what is the potential for this

1 decision to set precedent for future transactions? If
2 other VOC industries are allowed the same right to
3 substitution, will there come a time when overall VOC
4 emissions in the area are substantially higher than
5 they were in the past or present? Based on DEP's own
6 point source emission inventories for Beaver County,
7 extrapolation of Shell's proposed VOC emissions from
8 this single plant alone will raise VOC release in that
9 county to levels not seen since 1999, completely
10 eliminating what had been significant improvement over
11 time. And there's a statement that I've attached to a
12 document that, a graph.

13 Third, while indeed ozone formation over
14 the entire Southwest PA airshed is likely more
15 affected by reducing manmade NOx, this may not be true
16 at local levels closer to pollution sources. Biogenic
17 VOCs from vegetation become quantitatively more
18 important as an air mass diffuses further from the
19 release point. However, under the right conditions,
20 it is possible that high levels of manmade VOCs might
21 substantially stimulate ozone formation in
22 communicants in close proximity to their release
23 without impacting the region as a whole.

24 I hope the Pennsylvania DEP and EPA are
25 satisfied with any air modeling data submitted with

1 these applications sufficiently represents the ozone
2 impacts at a community level, as well as a regional
3 level.

4 Lastly, it is clear that as a class,
5 VOCs represent a broad group of chemical compounds and
6 some of those are known to be hazardous air
7 pollutants, or HAPs, of concern to people which are
8 living near their release sites. While the ERC
9 strategy is not designed to mitigate exposures to
10 HAPs, would this decision result in over-abundance of
11 VOC releases over time and result in increased
12 community exposure to various hazardous air pollutants
13 contained in the VOC mixtures? Current regulatory
14 strategies to control the multitude of air toxins
15 using best-available control technologies alone from
16 point sources do not necessarily take estimation of
17 public health risk into consideration. Thank you.

18 CHAIR:

19 Thank you. Angelo Taranto followed by
20 Dave Smith.

21 MR. TARANTO:

22 Thank you for allowing me to testify
23 tonight. My name is Angelo Taranto. Last name is
24 spelled T-A-R-A-N-T-O. I live at 11000 Park Plaza
25 Drive in Ross Township, Pennsylvania. I'm a member of

1 Allegheny County Clean Air Now, a group that advocates
2 for better air quality in Allegheny County,
3 particularly in communities downwind from industries
4 on Neville Island.

5 I'm here to testify about Emission
6 Reduction Credits, ERCs, in the Shell Cracker air
7 permit that DEP is now reviewing. I came to testify
8 because the proposed cracker plant would impact the
9 air quality of the entire region. I also came to
10 support Beaver County residents opposing this plant.
11 I know what it means to live in an area whose air is
12 polluted by industry and I know how ineffective
13 government agencies are in regulating industries that
14 pollute.

15 Let's call ERCs what they really are,
16 pollution credits. The ERC program, simply put,
17 allows companies who shut down pollutant operations to
18 sell pollution credits to some new source of
19 pollution. In this transfer, there technically is
20 some small reduction in pollution in the region, but
21 the bottom line is that the program allows a new
22 pollution source, in this case the cracker plant, to
23 operate in this community. We breathe where we live
24 and the average adult breaths over 3,000 gallons of
25 air per day. Children inhale more air than do adults,

1 relative to body surface area, breathing frequency and
2 heart rate. Regional improvements in air quality
3 don't help if the ERC program allows a new pollution
4 source to locate in or near our community, where we
5 breathe.

6 The ERC program basically creates
7 winners and losers. The winner may be a community
8 where a company shuts down. The pollution that that
9 company was producing then gets transferred to another
10 community. They're the loser. Communities can be
11 winners and losers at the same time. A case in point
12 being the Horsehead plant. So the Beaver County
13 communities were winners when the plant shut down.
14 The air became cleaner. Now they're losers because
15 that pollution is now being emitted by the Shell
16 plant.

17 The ERC program may work for polluters,
18 but it is not working for us. It is not protecting
19 our health. It is time for the state to dismantle it
20 and regulate industry in a way that will improve our
21 air quality and keep it clean. Thank you.

22 CHAIR:

23 Thank you very much. David Smith
24 followed by Celia Janosik.

25 MR. SMITH:

1 Hello. My name is David Smith,
2 D-A-V-I-D, S-M-I-T-H. Pronounced Smith. Thank you
3 very much for the opportunity to present testimony to
4 you today. I'm the Southwest Pennsylvania Community
5 Outreach Coordinator for Clean Air Council, the
6 largest Pennsylvania based environmental nonprofit.
7 The Council has been working to protect everyone's
8 rights to breathe clean air for nearly 50 years.

9 I want to thank the Pennsylvania
10 Department of Environmental Protection for having an
11 open public hearing on Shell's Emissions Reduction
12 Credits Permit Conversion Request. After a ten-hour
13 meeting the other night at which many concerned
14 citizens had to leave before they were allowed to
15 comment, the public is feeling more than ever like
16 they have been shut out of the local decision-making
17 process on Shell's cracker plant, and that their
18 voices have been muffled. It is paramount that the
19 people who are going to be impacted by the
20 petrochemical plant have opportunities to voice their
21 concerns about the risks involved in having the plant
22 located in Potter Township.

23 Shell and DEP should consider the
24 potential harmful effects to public health of avoiding
25 real reductions in VOC emissions, which often contain

1 hazardous air pollutants. Hazardous air pollutants
2 from the ethane cracker include benzene, toluene,
3 ethylbenzene, xylenes, hezane, formaldehyde,
4 naphthalene, methanol, styrene and others. They are
5 harmful chemicals that can cause health impacts such
6 as central nervous system effects, various blood
7 disorders and respiratory, including vascular and
8 kidney effects to name a few.

9 DEP and Shell should analyze the
10 potential health impacts of creating a higher level of
11 harmful pollution of VOCs in one location in exchange
12 for addressing ground-level ozone, a regional air
13 pollution issue. Typically major air pollution
14 sources like the cracking plant would be able to
15 virtually reduce VOC emissions by purchasing VOC ERCs
16 available in the same airshed. Substituting
17 reductions in NOx for reductions in VOCs likely puts a
18 higher public health burden on residents living
19 downwind from the plan, even though NOx is also an
20 important ozone precursor.

21 While the Council acknowledges that DEP
22 may believe that this exchange is technically legal,
23 Shell has a much higher burden in terms of its social
24 license to operate and the claim that the company will
25 be a good neighbor. Shell should do everything

1 technologically possible to reduce VOC emissions from
2 the site, even if it's costly. Shell should be
3 proactively talking with local industrial facilities
4 to explore potential opportunities for generating
5 additional VOC ERCs not already on the market in order
6 to actually limit the amount of these harmful
7 pollutants that are emitted locally. These actions
8 are a requirement if Shell wants its social license to
9 operate. Downwind residents deserve nothing less.
10 Thank you for your time.

11 CHAIR:

12 Thank you, sir. Celia Janosik followed
13 by Katie Klaber.

14 MS. JANOSIK:

15 Thank you for allowing me to speak this
16 evening. My name is Celia Janosik. I live at 305
17 Hoenig Road, Economy Borough in Beaver County. I come
18 here as a mother, a grandmother and a woman. I enjoy
19 science, but I do not come as an expert. Only as a
20 passionate human being. Shell is a questionable good
21 neighbor. Ask the Ogoni people of Nigeria, whose
22 government works with Shell to take, by force, the
23 land of the Ogoni so as to drill for oil, thereby
24 destroying their agricultural life and make many
25 refugees who still have no homes. Shell has paid out

1 \$16.5 million for the devastation. The Niger Delta is
2 highly polluted and nine Ogoni were killed for
3 protecting their land.

4 Shell needed to have fence line
5 monitoring, as has been done at other facilities to
6 track any major release so that the residents and
7 workers know to take shelter. The existing air
8 monitors are too far away from the plant to raise an
9 alarm.

10 So Shell wants to lessen their NOx
11 credits in favor of an increase in VOCs stating it
12 would lessen low-lying ozone. Now, Shell owns up to
13 creating low-lying ozone . VOCs are heavy and flown
14 to the valleys of which we have many. Include the
15 VOCs from all the fracking wells, cryogenic plants and
16 compression stations, what is the accumulative effect?
17 In general, in several years time, we will have
18 additional industries along with acute possibility of
19 three more ethane cracker plants in the region with
20 the same polluting properties that add to the
21 accumulative effect.

22 The trouble with the accumulative effect
23 is that there are no regulations. Each plant will
24 have its own limits with the DEP and no consideration
25 of all the other polluting enterprises. On the other

1 hand, we the people will have to live with the
2 accumulative effects 24/7 and the children, the sick,
3 will be the unfortunate ones while huge profits will
4 be made at their expense.

5 Thank you, Shell, for the mailer. I
6 wish our organizations could afford to send out
7 mailers region wide and TV ads ad nauseam. You are
8 taking us into the 21st Century, really? I believe
9 the use of fossil fuels is dragging us back into the
10 beginning of the 20th Century. I would be interested
11 to know how close the families involved with Shell
12 will live to the cracker plant and all fossil fuel
13 drilling activities. I will have two well pads on my
14 road. One just over a mile and the other less than
15 half a mile owned by Penn Energy, a supplier to the
16 Shell cracker plant. My family has skin in the game
17 with our health, property values and our well water.
18 But we will not lease.

19 All you politicians had to give Shell
20 \$1.6 billion to pollute our air and water so that the
21 people of this region have jobs. We do not care to
22 have a chemical cancer alley such as Louisiana and
23 parts of Texas have today.

24 CHAIR:

25 If you could wrap up, please.

1 MS. JANOSIK:

2 Shame on you. I love Pittsburgh, but it
3 will no longer be the most livable city and it will
4 need clean air and water, and also a planet to survive
5 in. Climate change, anybody?

6 CHAIR:

7 If we could keep your applause so that
8 we're able to continue on with all the rest of the
9 individuals that would like to speak, I would
10 appreciate it. Patty Horvatic. Katie Klaber and
11 then up next Patty Horvatic.

12 MS. HORVATIC:

13 Horvatic.

14 CHAIR:

15 Thank you.

16 MS. KLABER:

17 Hi, I'm Katie Klaber, K-L-A-B-E-R. I
18 was born and raised here in Beaver County. Was
19 married at Park Presbyterian Church in Beaver. And we
20 raised our boys here in Western Pennsylvania, living
21 now in Sewickley, Pennsylvania. My comments this
22 evening are made as a resident. I did not seek any
23 consultation to prepare or deliver them.

24 During my brief testimony I will
25 establish my credentials on these topics at hand,

1 express my opinions about the state agency's
2 permitting and reflect on what this industrial project
3 means to our hometown

4 My undergraduate degree is in
5 Environmental Science from Bucknell University. And
6 my MBA is from Carnegie Mellon. At Bucknell, I
7 conducted a multi-year study of nutrient loading to
8 the Chesapeake Bay and at CMU received the
9 entrepreneurship award for my work on environmental
10 metrics for corporations. Throughout my career, I
11 have worked on numerous efforts to protect the
12 environment with smart regulation and permit
13 conditions that allow businesses to thrive. This was
14 especially true when I led the Marcellus Shale
15 Coalition in its early years. Notably, I also served
16 on the Air Quality Technical Advisory Committee of the
17 DEP for more than a decade, in both the Rendell and
18 the Corbett administrations.

19 I've worked with many federal, state and
20 local regulatory agencies throughout the last three
21 decades, but none as frequently as the PADEP. The
22 staff at DEP's headquarters and the regional offices
23 are knowledgeable in the subject matter that we as
24 taxpayers hire them to be, and they are true to their
25 charge to be public servants, abiding by the rules and

1 regulations they are responsible for implementing.

2 In the case of the NPDES permit, like
3 the one under consideration this evening, DEP manages
4 these permits each week. I did a spot check of the
5 NPDES permits published in only last Saturday's weekly
6 Pennsylvania Bulletin and found 23 permit renewals, 8
7 new or amended permits, 17 industrial, sewage and
8 related discharge permits, 9 construction permits, and
9 a myriad of other nutrient management plans.

10 This type of activity is typical and
11 ongoing for the DEP, and whereas Shell's plant is much
12 larger than most others, the agency is more than
13 capable of managing this process for us.

14 With respect to the air permit issues
15 under consideration, specifically the use of Emission
16 Reduction Credits, or ERCs, I'm thrilled that the
17 process is working as it was originally intended, and
18 that these credits are being used. In my career I
19 have unfortunately been part of far too many closures
20 of manufacturing plants in Pennsylvania. When that
21 happens, ERCs are banked and available to be used for
22 future economic growth, albeit in a way that allows
23 for continued improvement of air quality.

24 Now we finally have a chance here in
25 Western Pennsylvania to use that process to support

1 growth, and the DEP is administering the program as
2 intended for NOx, VOCs and PM2.5 to protect our
3 region's air quality. Yes, we lost Horseheads, power
4 plants and other industrial sources, but Shell can use
5 the ERCs resulting from those closures.

6 In conclusion, I support DEP's intent to
7 grant water and air permits to Shell Chemical that
8 will allow for both environmental protection and
9 economic growth. Our community stands ready to make
10 the most of Shell's decisions to build a world-class
11 plant in this region.

12 Thank you for your time in holding this
13 hearing to gather community input for this important
14 project. I will submit my comments as well as those
15 of others who would like to enter theirs into the
16 record. Thank you.

17 CHAIR:

18 Thank you. Patty Horvatic followed by
19 Patrice Tomcik.

20 MS. HORVATIC:

21 Good evening. My name is Patty
22 Horvatic, H-O-R-V-A-T-I-C-H, 11 Stanwick Street,
23 Pittsburgh. And I'm the vice president of Business
24 Investment in Pittsburgh Regional Alliance, the
25 economic development marketing organization for the

1 ten-county Pittsburgh region. I appreciate the
2 opportunity to testify in support of the air quality
3 modification plan and the NPDES Amendment related to
4 Shell's Pennsylvania Chemicals manufacturing facility.

5 I come before you tonight as a local
6 business professional with 20-plus years' experience
7 in economic development. Over the years, I've worked
8 with literally hundreds of companies interested in
9 establishing or expanding their presence in the
10 region. Because a strategic business investment is
11 critical to our economic vitality, including job
12 creation, I make such engagement and relationship
13 building top priorities. My work sees me not only
14 presenting the advantages and assets of the region's
15 companies interested in investing here, but also
16 giving consideration to which companies would be a
17 good fit and a good neighbor.

18 Given my years of experience, I can say
19 with conviction that not many companies compare with
20 Shell, notably when it comes to the most stringent
21 safety standards. I'm talking about safety in every
22 sense, of the people on sites, the built and natural
23 environments and community safety.

24 I can attest to the standards based on
25 knowing and working with Shell for nearly six years.

1 Our relationship began June 20th when we started to
2 explore the construction of the multi-billion dollar
3 facility in Beaver County.

4 Over the six years, I have not only
5 heard Shell talk the talk, I have personally seen and
6 experienced how Shell walks its talk. The company has
7 demonstrated to me on numerous occasions that it does
8 what it says and it consistently operates with
9 integrity.

10 Let me show you some brief but
11 meaningful examples. Shell opened its doors to me and
12 a number of colleagues for visits to the Gulf Coast
13 facilities. Norco and Geismar in 2012 and Deer Park
14 in 2015. These were in-depth tours to better
15 understand exactly how a chemicals manufacturing
16 facility looks, smells, sounds and operates in the
17 real world.

18 We not only saw these plants from the
19 inside and outside, but we heard from employees as
20 well as from leaders where these facilities are
21 located, about what Shell has meant to the local
22 economy and its integration into the community. I
23 came away from those visits with a certain confidence
24 that Shell is not in the business of designing,
25 building and operating a facility that would knowingly

1 put the company or community in which it operates in
2 harm's way. I personally believe that is not the
3 Shell way.

4 Most recently on November 14th, I had
5 the privilege alongside Pennsylvania Governor Tom Wolf
6 and other elected officials, to be the first group of
7 individuals from outside of Shell to see its Monaca
8 plant up close. We toured by bus many of the 1,200
9 assembled acres where Shell continues its monumental
10 efforts for the construction of its facility.

11 On that tour, Shell's concerns of
12 protecting a natural resource, the Ohio River, was
13 affirmed. I saw two significant water retention ponds
14 with polyethylene pull-up liners in place to collect
15 water runoff, which could include contaminates from
16 the from Horsehead operations.

17 Being that I'm getting close, I have to
18 skip the end. In the end, we balance Shell's
19 stringent plans for safety, including environmental
20 safety, which has publically been articulated, with
21 surveillance provided by the U.S. EPA and Pennsylvania
22 DEP. It is these agencies' jobs to determined what is
23 or isn't acceptable in the environmental realm. These
24 agencies are not going to approve any actions that are
25 non-compliant or that would jeopardize our air and

1 water.

2 In this instance, government oversight
3 is a very good thing, as is having a global company
4 like Shell here in our community. Thank you.

5 CHAIR:

6 Thank you. Patrice Tomcik followed by
7 Stephanie Wissman.

8 MS. TOMCIK:

9 Patrice Tomcik, 211 Chesapeake Drive,
10 Gibsonia. My name is Patrice Tomcik and I'm the Field
11 Organizer of Mom's Clean Air Force. We're a community
12 of parents, grandparents and anyone who cares about
13 children fighting for the health of our children.
14 Children need special protections from air, water,
15 light and noise pollution because they are much more
16 vulnerable than adults since they are still
17 developing. In fact, children's lungs and brain are
18 still developing after birth until their early 20s.
19 In addition, children have an important toxification
20 system that pollutants build up in their tiny bodies.

21 The Shell ethane cracker plant would be
22 a major source of air pollution for the local
23 community and the region. It will be the largest
24 emitter of volatile organic compounds in Southwestern
25 PA. Many of the VOCs emitted by the ethane cracker

1 are harmful to human health by themselves, such as
2 benzene, which is a potent neurotoxic and can cause
3 childhood leukemia. My son was diagnosed with
4 leukemia at age three, and I fight to protect all
5 children from known cancer triggers. In addition,
6 many of the VOCs that will be emitted by the ethane
7 cracker plant contribute to form ground level ozone or
8 smog, which can irritate airways, exacerbate asthma
9 and damage developing little lungs.

10 I'm very concerned for the children who
11 live, play and go to school in Beaver County. Some of
12 the schools that would be most impacted by air
13 pollution from the Shell Ethane Cracker Plant are
14 Central Valley School District, Beaver Area School
15 District and Rochester Area School District. This
16 adds up to a total of 5,400 children who will be
17 playing on the playground in warmer months and be
18 exposed to all of the air pollutants. This number
19 doesn't include the daycare center, the charter
20 schools or the colleges in the area.

21 For the safety of the children, Shell
22 needs to install a real-time fence-line monitoring with
23 community web-based access to measure all hazardous
24 air pollutants around the plant and place monitors on
25 all playgrounds in Beaver County. I have a concern

1 not only for what may escape from the plant at the
2 ground level, but also what may come down from stacks
3 and flaring on children who are playing innocently on
4 the school playgrounds.

5 Shell needs to reduce the amount of VOC
6 emissions that could come from the plant and not
7 purchase credits or substitute the use of NOx credits
8 in place of VOC credits.

9 In regards to the water discharge permit
10 application, I find it very dishonest that Shell
11 cracker is claiming to be an existing facility because
12 it's clearly a new facility with completely different
13 wastewater than the former zinc smelter which is now
14 demolished. DEP must reject Shell's water discharge
15 permit application and require Shell to submit a new
16 application.

17 Shell needs to learn how to be a good
18 neighbor and know that Southwestern PA communities are
19 very passionate about protecting their children.
20 There should never have to be a choice between jobs
21 and children's health because that is not fair to put
22 communities in that situation. We are educated
23 communities and we will be watching you very closely.
24 Thank you.

25 CHAIR:

1 Thank you very much. Stephanie Wissman
2 followed by Rob Walters.

3 MS. WISSMAN:

4 Good evening. I'm Stephanie Wissman,
5 Executive Director of the Associated Petroleum
6 Industries of Pennsylvania, a division of the American
7 Petroleum Institute. I'm here tonight to express
8 support for Shell's application for an NPDES permit
9 and modification of the air quality plant for the
10 petrochemical complex.

11 API is the only natural trade
12 association representing all facets of the oil and
13 natural gas industry, which supports 9.8 million U.S.
14 jobs and 8 percent of the U.S. economy. API's more
15 than 625 members include large integrated companies,
16 as well as exploration and production, refining,
17 marketing, pipeline and marine businesses and service
18 and supply firms. They provide most of the nation's
19 energy, and are backed by a growing grassroots
20 movement of more than 30 million Americans.

21 API is also a standard setting
22 organization. For 90 years, API has led the
23 development of petroleum and petrochemical equipment
24 and operating standards. These standards represent
25 the industry's collective wisdom on everything from

1 drill bits to environmental protection and embrace
2 proven, sound, engineering and operating practices and
3 safe, interchangeable equipment and materials for
4 delivery of this important source to our nation. API
5 maintains more than 650 standards and recommended
6 practices. Many of these are incorporated into state
7 and federal regulations. And increasingly, they're
8 being adopted by the International Organization for
9 Standardization

10 Today, the U.S. leads the world in the
11 production and refining of oil and natural gas. This
12 has resulted in positive benefits for American
13 consumers by driving energy costs down and has also
14 benefitted our environment. In fact, clean-burning
15 natural gas has driven carbon emissions from power
16 generation to their lowest levels in more than 20
17 years.

18 Natural gas consumption in Pennsylvania
19 has increased 86 percent between 2005 and 2015. And
20 this increased use of natural gas is generating
21 significant economic benefits for the state, including
22 lower costs for consumers and manufacturers. Shell's
23 petrochemical complex will use low-cost ethane from
24 shale gas products in the Marcellus and Utica basins
25 to produce 1.6 million tons of polyethylene per year.

1 The project is expected to add 6,000 construction
2 jobs, 600 permanent jobs, and according to Governor
3 Wolf, incite a, quote, regional renaissance in
4 manufacturing, one that could revolutionize the local
5 economy for decades, end quote.

6 API reiterates its support for Shell's
7 petrochemical complex. Projects such as this one
8 benefit the broader industry by giving producers a
9 local market for their product. The further use of
10 Pennsylvania natural gas is necessary for greater job
11 creation, additional economic activity, and eventually
12 more revenue for the Commonwealth. It is important
13 for projects like these to be approved by the state as
14 it adds to the industry's value chain.

15 Thank you for the opportunity to testify
16 in support of this project.

17 CHAIR:

18 Thank you. Rob Walters followed by Matt
19 Crocco.

20 MR. WALTERS:

21 Good evening. My name is Rob Walters,
22 W-A-L-T-E-R-S. I'm the Executive Director of Three
23 Rivers Waterkeeper. I am here to speak with you
24 tonight about our concerns with Shell's application
25 and Pennsylvania DEP's draft permit for an amendment

1 to a pre-existing NPDES permit.

2 The mighty Ohio River is 198 (sic) miles
3 long and sadly ranks as our nation's most polluted
4 waterway because of the over 24 million pounds of
5 industrial pollution that is discharged into the river
6 every year. It is a source of drinking water for over
7 5 million people. So this will be the section of
8 river I'm going to speak about this evening. And the
9 Ohio River starts at the proposed Shell's cracker
10 facility and ends at the Pennsylvania and Ohio border,
11 about 14 miles long. Within those 14 miles, there are
12 five surface water intakes for drinking water
13 supplying over 300,000 people in the State of
14 Pennsylvania.

15 The EPA every year has a list of
16 contaminants, about 90 contaminants in drinking water
17 to protect human health and so that water systems can
18 achieve their standard using the best capable
19 technology. And about every five years, there's 30
20 unregulated contaminants that are required to be
21 monitored, but these emissions are not limited ---
22 excuse me, these emissions are limited, but are not
23 mandatory. Eight of the chemicals that Shell has
24 proposed to discharge into our drinking water supply
25 fall under these categories.

1 To further save myself from
2 embarrassment, I'm not going to attempt to read these
3 chemicals to you. But I've supplied them in my
4 written testimony. But for a short summary, the eight
5 chemicals' side effects include birth defects,
6 malformation of the spinal column, pelvis and legs,
7 nausea, vomiting, vertigo, convulsions. Just to name
8 a few. We ask that the Pennsylvania Department of
9 Environmental Protection utilize the Safe Drinking
10 Water Act to regulate these eight chemicals within the
11 discharge from the Shell facility.

12 Another major concern is the
13 Pennsylvania Department of Environmental Protection's
14 ability to enforce potential violations at the
15 proposed Shell cracker facility. Just down river
16 within a half mile of Shell's proposed site are two
17 examples of DEP's inability to enforce Clean Water Act
18 laws. Since December of 2006, Nova Chemical has
19 operated under an expired NPDES permit. And as of May
20 2015, has had 23 permit violations that have not been
21 resolved or enforced. BASF has operated under an
22 expired NPDES permit since November --- excuse me,
23 since September of 2009. And as of May 2015, BASF has
24 had 20 permit violations that have not been resolved
25 or enforced. We understand that DEP's ability to

1 fully perform their duties relies on a greater need
2 for resources and staffing. That is why we are asking
3 to approve a final permit with the most stringent of
4 regulations concerning water quality possible.

5 CHAIR:

6 Thank you. Matt Crocco followed by Lois
7 Bower-Bjornson.

8 MR. CROCCO:

9 Matt Crocco with Pennsylvania Chemical
10 Industry Council, 1070 High Meadows Drive Gibsonia,
11 PA, 15044. Again, my name is Matt Crocco, and I serve
12 as spokesperson for the Pennsylvania Chemical Industry
13 Council. On behalf of PCIC, I'm here to support Shell
14 Chemical Appalachia's modification to its Air Quality
15 Permit approval. The updated plan incorporates
16 Emission Reduction Credits to comply with emission
17 offsetting requirements, as well as other
18 modifications.

19 The changes do not include new or
20 modified air contamination sources, emission increases
21 or regulatory requirements. Therefore, I encourage
22 the DEP to approve the modifications without delay.

23 The final investment decision made by
24 Shell to proceed with the construction of a
25 multi-billion dollar petrochemical complex here in

1 Monaca has provided hope for many communities in
2 Southwestern Pennsylvania and opportunities for many
3 industries throughout the state, including the
4 chemical industry.

5 The chemical industry has a tremendous
6 economic and employment impact in Pennsylvania,
7 totaling more than \$22 billion in revenues. The
8 chemical industry also supports approximately 41,000
9 direct jobs and another 50,000 indirect jobs. The
10 strength and resolve of the chemical industry will
11 continue to grow with the addition of a world-class
12 complex in Southwestern Pennsylvania.

13 Shell's complex will convert ethane into
14 ethylene, and subsequently, up to 1.6 million tons of
15 polyethylene per year, which is the key building block
16 for plastics manufacturing. Furthermore, the facility
17 will leverage the abundant supply of ethane that will
18 yield significant investments in the region. It will
19 also lead to the creation of thousands of construction
20 jobs, and bolster the state's chemical and
21 manufacturing base.

22 An ethane cracker provides the building
23 blocks for the chemical industry's products, covering
24 everything from lawn chairs and toothbrushes to food
25 containers and auto parts. A complex of this

1 magnitude will not just help supply the industry with
2 cost-effective materials, but will encourage the
3 chemical industry to consider Pennsylvania as a
4 premium location to expand or relocate.

5 As a distinguished member of the PCIC,
6 Shell is committed to protecting the safety of the
7 community and to being responsible stewards of the
8 environment.

9 We've already witnessed a tremendous
10 transformation of what was destined to become another
11 vacant brownfields site along the Ohio River. Without
12 Shell, the legacy of decades of zinc smelting
13 operations would have been just another environmental
14 liability of the region. Instead, the site
15 development completed by Shell and its contractors
16 have laid the groundwork for economic prosperity and
17 employment growth.

18 I'm a native of Western Pennsylvania.
19 Growing up in Johnstown, I've witnessed the
20 devastating effects of industry decline. In my
21 hometown there's been an unsettling trend of
22 deteriorating housing, property value decline,
23 increase of violent crimes and lower performing
24 schools. Projects like this give me hope that
25 working-class towns can be brought back from the brink

1 of ruin. Thankfully, I am still able to call myself a
2 Western Pennsylvanian.

3 CHAIR:

4 If you could wrap up the testimony,
5 please?

6 MR. CROCCO:

7 Sure. I along with my family reside in
8 Gibsonia, less than 20 miles from the project. I
9 would like to see this facility built from both a
10 professional and private citizen point of view. With
11 this in mind, the members of the PCIC encourage DEP to
12 approve Shell's modification to its air quality plan
13 ---.

14 CHAIR:

15 We're going to need to move on to the
16 next person. Thank you very much. I appreciate your
17 testimony. Lois Bower-Bjornson followed by Nelf
18 Bjornson.

19 MS. BOWER-BJORNSON:

20 It's Lois Bower-Bjornson (corrects
21 pronunciation).

22 CHAIR:

23 I'm sorry.

24 MS. BOWER-BJORNSON:

25 That's okay. Spelled B-J-O-R-N-S-O-N.

1 And my son, Nelf is not here. So this really
2 basically boils down to accountability for industry.
3 I live in Scenery Hill, Pennsylvania with my four
4 children. And we are encompassed by industry. We
5 moved there and none of this was there. And now the
6 cracker plant is here. We currently have 32 well pads
7 around our home. We have a compressor station, a
8 cleaning station, residual waste pond, residual waste
9 tank. So we are already aware of the pollution, both
10 in our air and our water.

11 Our public water source is the
12 Monongahela River. And we have constant warnings to
13 not drink our water. And that's our public water
14 source. And that is directly related to industry. It
15 starts with the coal industry and now it's exacerbated
16 by the oil and gas industry. My son and hopefully all
17 of my other three children will attend Lincoln Park
18 Performance Charter School, which is approximately
19 eight miles from here. So there is no way for us to
20 get away from this. It is constantly around us.

21 It's almost as if industries should just
22 come in and buy Pennsylvania, and move us all out, and
23 it becomes their land. We witnessed far too many
24 times that reporting things to the DEP, going to
25 Harrisburg, speaking to people and still having things

1 get pushed through.

2 And again, back to accountability. This
3 is a new facility. They should be held to those
4 standards as a facilities for a new permit. So I urge
5 you to do that. That is the least that we expect, as
6 if this cracker plant is continued, it should be in
7 the best interest of our citizens. And then that way
8 everyone can be happy. We can all have this
9 economical corporate improvement along with proper
10 environmental safeguards put in place. Thank you.

11 CHAIR:

12 Thank you. Next up is John McGreevy,
13 followed by Janet Hill.

14 MR. MCGREEVY:

15 My name is John McGreevy spelled
16 M-C-G-R-E-E-V-Y. I would like to thank the
17 Pennsylvania Department of Environmental Protection
18 for the opportunity to provide testimony in support of
19 the issuance of the NPDES permit modification and plan
20 approval modification for the air permit to Shell
21 Chemical Appalachia, LLC. I'm speaking to you this
22 evening as a member of the Pennsylvania Independent
23 Oil and Gas Association, or (PIOGA), and as an
24 employee of Civil and Environmental Consultants, a
25 company founded and headquartered in Pittsburgh,

1 Pennsylvania.

2 We appreciate the time and effort
3 expended by both Shell and DEP in developing the draft
4 NPDES permit, and encourage DEP to issue the final
5 permit promptly and in accordance with their
6 administrative requirements.

7 The plan approval modification for the
8 air permit will result in an overall improvement to
9 the area's air quality. All organic compounds, or
10 VOCs, and nitrogen-oxides, or NOx, are ozone
11 precursors. They react together in the atmosphere to
12 form ground-level ozone. In some areas, including the
13 Beaver --- the Pittsburgh-Beaver Valley airshed, which
14 is the air we're breathing right now, this
15 ozone-forming reaction is limited by the availability
16 of NOx.

17 What this means is that an increase in
18 VOC emissions will have a lesser impact on
19 ground-level ozone formation, and that reducing
20 emissions of VOCs (sic) is more important than
21 improving local air quality. Air quality laws and
22 regulations allow companies to trade between VOCs and
23 NOx if it can be demonstrated that the local air
24 quality improvements will be equivalent to or better
25 than the scenario where this trading had not occurred.

1 Shell has demonstrated that this is the
2 case, and DEP and the U.S. EPA have agreed. We
3 support this interprecursor trading and encourage the
4 DEP to issue the final permit in accordance with their
5 procedures. Thank you for your thoughtful attention
6 this evening.

7 CHAIR:

8 Thank you. Janet Hill followed by Mark
9 Dixon. Do we have Janet Hill? Mark Dixon?

10 MR. DIXON:

11 Yeah. My name is Mark Dixon. M-A-R-K,
12 D-I-X-O-N. I thank you for this opportunity to speak.
13 I live on Landview Road in Pittsburgh, Pennsylvania.
14 Shell has requested a special consideration from our
15 environmental regulators, the DEP and DEA, to allow
16 for approval for interprecursor offset trading between
17 NOx and VOCs using NOx ERCs to partially satisfy VOC
18 offsetting requirements. I'm here to declare my
19 opposition to this variance and my opposition to the
20 permitting of the plant in general.

21 Also, a few comments about the comments
22 tonight. I encourage everybody to consider with
23 respect to Shell's corporate responsibility, Google
24 Shell hell and see what comes up. Just try it right
25 now on your phone. Also, Shell hell. See what comes

1 up, especially the images. They're hilarious. I
2 encourage also when you travel to Shell to witness
3 their good neighborliness. Did you talk to anybody
4 who was not employed by Shell?

5 CHAIR:

6 Yes.

7 MR. DIXON:

8 That's good. I have done that for
9 various plants around the country and find persistent
10 complaints of corporate irresponsibility from a broad
11 range of people. But I'm glad that you did talk to
12 people. That's excellent. And regarding methane for
13 benefiting the climate, we have a long way to go. And
14 methane is very similar to coal in its emissions,
15 especially when you consider the impacts of methane as
16 a greenhouse gas itself.

17 Our air in Pittsburgh stinks. I have
18 complained to the EPA many countless times. In fact,
19 there's now an app where you can go complain, Smell
20 Pittsburgh Gas. This is on November 17th. Dozens of
21 complaints of air quality. I complained over and over
22 and over again. And what happens when you complain?
23 Well, they say, well, it's an inversion and there's
24 all sorts of things that they say. But what I have
25 not seen is it stop stinking. Something to consider

1 when you're going to complain about whether the plant
2 stinks or not. Will something be done if it is? I
3 question that.

4 But I also understand we live in a
5 collective government circumstance. And our agreement
6 with ourselves in this case through the national EPA
7 Air Quality Standards is that a certain number of
8 deaths from and harm from industry are tolerated.
9 It's the price of progress. But in that agreement,
10 you set limits on the pollution and subsequent harms
11 that we will tolerate, and on the premise that ozone
12 consequences will be unaffected.

13 Shell is asking you to allow them to
14 exceed the limits of that agreement with respect to
15 VOCs on the premise that the ozone consequences will
16 be unaffected. But what about the non-ozone
17 consequences? The EPA establishes limits for very few
18 types of air pollution and we're protected to the
19 extent that those limits, measured hourly, act as
20 proxies for the unmeasured but still dangerous
21 pollutants that invariably emerge from industrial
22 processes. And the category VOCs that's expected from
23 the Shell cracker include a bunch of very dangerous
24 pollutants that would terrorize communities with
25 premature death, cancer, neurological damage and much,

1 much more.

2 Jumping to my conclusion, I don't like
3 the fact that we collectively agree to harm and kill
4 ourselves a little bit within reasonable limits. But
5 it makes my blood boil to hear that a giant foreign
6 corporation with a legacy of rampant global pollution
7 comes into my airshed when it already does not meet
8 federal air quality standards, and asks for a variance
9 to pollute that air even more that we agreed to.

10 CHAIR:

11 You need to finish. You're over time.

12 MR. DIXON:

13 Thank you. Especially considering that
14 we don't even meet the air quality standards today.
15 What gall. That's what bullies do. They punch you
16 when you're down, when you're trying to pick up your
17 things, and get on with your life.

18 CHAIR:

19 Sir, we need to move on to the next
20 person.

21 MR. DIXON:

22 Thank you very much for your testimony.
23 Thank you.

24 CHAIR:

25 We would ask that you please avoid

1 clapping so that we can move on and let everyone
2 testify that's on the list here. We have several.
3 Ryan Grode followed by Joanne Martin. Do we have Ryan
4 Grode here? Joanne Martin and followed by Elisa Beck.

5 MS. MARTIN:

6 Joanne, J-O-A-N-N-E, Martin,
7 M-A-R-T-I-N. I live on Cordak Drive in South Beaver
8 Township. Thank you for the opportunity to speak. I
9 deeply appreciate the complexity of this project, and
10 the work the DEP and many other organizations and
11 individuals are putting forth. I am a local resident,
12 a deep ecologist, one who values the environment above
13 all else because without it, there is nothing else.

14 Regarding the water permitting, I
15 understand there are different water pollution limits
16 for new versus existing facilities. I understand
17 Shell has filed as an existing facility for less
18 stringent pollution limits, and cites itself as a new
19 facility which allows them to bypass submission of
20 certain information.

21 I understand there are legal limits to
22 discharge total dissolved solids, and that Shell is
23 asking for treatment as an existing facility to meet
24 less requirements. I also understand Shell has
25 claimed that the discharges to the Ohio River will be

1 double or triple the healthy human and environment
2 levels. I understand there is contamination from the
3 zinc smelter still. The DEP did not require cleanup
4 of the existing contamination at the site.

5 These inconsistencies, strategies, maybe
6 illegalities by both Shell and the DEP cause me to
7 doubt that regulations are being met, and that our
8 local waters and air for human and wildlife are safe.
9 The DEP's mission is to protect air, land and water
10 from contamination. Shell talks about our waterways,
11 our activities, in their postcards. No company has
12 the right to say our anything until that right of
13 belonging in the community is earned. The
14 inconsistencies I'm hearing about certainly violation
15 mission statements. I'm not a lawyer to comment on
16 legalities, but many here are present can.

17 About monitoring, I understand once the
18 facility is built, the monitoring of water pollution
19 is decreased. That is unconscionable. I'm reminded
20 of DEP's mission to protect.

21 Shell described all the steps they have
22 taken to protect the water, our water. Yet here we
23 are in lengthy negotiations to assure water and air
24 safety. If profitability is the driver for Shell's
25 process, I believe that is, at the least, incongruent

1 for sustainable environmental development in Beaver
2 County, also with the postcard.

3 I'm asking the DEP to decline the permit
4 as submitted. I'm relying upon the DEP to hold Shell
5 accountable, to subject Shell to limits for new
6 discharges, reject Shell's proposal for no limits on
7 total dissolved solids and subject Shell to long-term
8 monitoring.

9 I've been monitoring local streams since
10 fracking increased here in Beaver County. And there's
11 many, many others here tonight that are doing the
12 same. So we as citizens are taking on the
13 responsibility that Shell should have. That will need
14 to change if Shell wants to right to say our
15 community. Thank you for the opportunity.

16 CHAIR:

17 Elisa Beck followed by Terrie
18 Baumgardner.

19 MS. BECK:

20 I have some exhibits to give to you.
21 Thank you for letting me speak tonight. My pen ran
22 out. This pen, imagine it's made from the
23 biodegradable materials you'll be using to manufacture
24 Shell oil instead. So instead of this laying in a
25 landfill absorbed into the earth, ladies and gentlemen

1 and everything in between, we need to consider the
2 repair done tonight. Look at William McDonough's book
3 Cradle to Cradle and Jason McLennan's book, The Living
4 Building Challenge. Shell, will Shell be required to
5 be part of the Living Future Institute community that
6 Pittsburgh has deemed as it's going to be and our
7 transition town, McKeesport, that is, in our new
8 economy. This site will thrive with way more
9 permanent jobs. But how are we to do this?

10 Oh, my name is Elisa Beck. My career as
11 a neurodevelopmental optometrist since 1987 is what
12 brought me here tonight. I'm the founder of
13 Sustainable Monroeville. The heart, our hearts, put
14 your hand on your heart. Let's go into our hearts for
15 ourselves and for the next several generations. I'm
16 here to represent Mother Earth, her air, her water.
17 She speaks in different ways than we are speaking,
18 most of us speaking here tonight. Put Smell PGH as an
19 app because we are going to be monitoring the air on
20 the fence line. We are going to be monitoring the
21 fence line in a very different way than anyone
22 expects.

23 The experts, who are the experts? We
24 are the experts of ourselves. We, as a nation society
25 know ourselves. We are made up of about 80 percent

1 bacteria, fungus, viruses. It's called our microbio,
2 that all those chemicals that are being allowed
3 through our government, through our EPA are being
4 allowed. Is the EPA saying that soil that is placed
5 upon the toxic earth at the zinc smelter will
6 alleviate toxins and other heavy metals? Beaver
7 County and Pittsburgh and all the surrounding
8 counties, we have cancer outlets everywhere
9 surrounding the Pittsburgh Marcellus Shale zone.
10 These toxic areas are great for the pharmaceutical
11 industry, the medical community, too. What we've
12 learned as truth really is one truth, the cancer
13 truth, the environmental toxicity truth. At this
14 moment in time we have an opportunity to change our
15 own minds, to change the events of the future. Let's
16 begin the conversation now that we need to have.

17 What I was going to say before you is
18 likely to help the environment of Pennsylvania in
19 2007. And this is going to be uncomfortable for a lot
20 of people in this room. I learned a lot about plastic
21 reduction, plastic component reduction. Tell us all
22 the details. Let us know about the studies that tell
23 you disruption is broad, that have two sets of special
24 ordinance or none at all.

25 The Medical Society of Pennsylvania has

1 collectively spoken out against the very industry that
2 will suppling the plant. The children have asthma,
3 autism, ADHD, and birth defects have been rising.
4 Sure, it's good for my business as a vision
5 specialist, as a developmental optometrist.

6 Okay. I'll skip to the last sentence
7 here. You know what? Let's engage our youth and see
8 what the future brings. Some of them are here. Let's
9 see. Let's see what happens ---.

10 CHAIR:

11 If you could wrap up, please so we'll
12 have time ---.

13 MS. BECK:

14 Yeah. I'm just going to hand you some
15 magazine on horticulture. And maybe that could become
16 some part of the record. I'll give you my pen, too.

17 CHAIR:

18 Okay. We next have Terrie Baumgardner.
19 Chelsea Holmes followed by Marcia Lehman.

20 MS. BAUMGARDNER:

21 My name is Terrie Baumgardner,
22 B-A-U-M-G-A-R-D-N-E-R. I live at 620 Grand Avenue in
23 Aliquippa. Thank you to DEP for allowing these
24 comments. As a 13 year resident of Aliquippa, PA, I
25 get my drinking water from the most polluted river in

1 the country, the Ohio. At a time when we should be
2 working to clean up this magnificent river, Shell's
3 application will allow its cracker to increase that
4 pollution, thereby endangering the health of the 5
5 million people like myself.

6 There are three reasons why Shell's
7 current application would only intensify the
8 contamination of the Ohio.

9 Reason one is Shell seeking permission
10 to discharge stormwater and wastewater into the Ohio
11 under a permit originally issued to Horsehead for its
12 zinc smelter on the prior site. Shell instead of
13 submitting a new application for its permit, Shell has
14 simply amended the permit in order to avoid strict
15 pollution limits applied to new water discharges since
16 2010. The cracker is an entirely new facility. A
17 point that both the company and the DEP admit
18 throughout the draft permit and application. Stronger
19 regulations are needed to protect people whose water
20 comes from the Ohio.

21 Reason two, drawing on the same false
22 claim that the new cracker's discharge was somehow
23 existing once. Shell proposes to impose no limits at
24 all on its TDS discharge. This means Shell discharges
25 into Ohio will approximately double or triple the

1 monthly average of 2,000 milligrams per liter that new
2 facilities are limited to. An ethane cracker releases
3 its own impacted wastewater from the zinc smelter.
4 And the DEP never even issued a TDS load permit for
5 Horsehead until 2015, well after the 2010 TDS limit
6 was in place.

7 Reason three, the zinc smelter and the
8 cracker site, DEP's draft permit process permit
9 proposes to cut the limits and monitoring for arsenic,
10 lead and other toxic pollutants once the cracker is
11 built. This proposal does not issue a cleanup of the
12 zinc smelter discharges. And the DEP allows Shell to
13 continue discharging these pollutants without limits
14 again or without any monitoring to see about how much
15 of that is being leaked into the Ohio. The public
16 will have no way to know whether the pollution levels
17 from the site remain dangerous.

18 Volatile organic compounds, or VOCs,
19 threaten public health for two major reasons. First,
20 VOCs combine with nitrogen oxides to create ozone.
21 And second they include hazardous air pollutants, or
22 HAPs. According to the DEA, Shell's Norco plant in
23 Louisiana, which the company has used as a reference
24 for health and safety, produces more than twice the
25 VOCs as U.S. Steel Clairton Coke Works, which is

1 already the highest emitter of VOCs in Southwestern
2 Pennsylvania. Shell's new cracker would be among the
3 highest emitters of VOCs in the state. The
4 ground-level ozone created by VOCs mixing with nitrous
5 oxides is particularly harmful to children, the
6 elderly and the people with asthma or respiratory
7 illnesses like pneumonia and bronchitis. In a recent
8 Federal Air Quality test for ozone, the ozone created
9 by Shell's new ethane cracker will be an oxidant that
10 will harm lung tissue.

11 CHAIR:

12 I'd ask you to wrap up, please. You're
13 past your time.

14 MS. BAUMGARDNER:

15 Certainly. The DEP should question
16 Shell's intention to purchase more allowances at one
17 building in exchange for another. Thank you.

18 CHAIR:

19 Thank you very much. Marcia Lehman
20 followed by Tim Wetzel.

21 MS. LEHMAN:

22 Hello. My name is Marcia, M-A-R-C-I-A,
23 Lehman, L-E-H-M-A-N. And I live in Ambridge, PA.
24 First of all, I'd like to say that no person's job has
25 a right to make me, my family and my neighbors sick.

1 As a recently retired home health nurse, just having
2 retired this year, and having practiced in Beaver
3 County, I have studied and attended many conferences
4 on oil and gas operations and impacts on public health
5 and the environment. I am well aware of the adverse
6 health impacts of hazardous air pollutants, the
7 particulate matter in PM10s and 2.5s, the VOCs, the
8 volatile organic compounds, et cetera, et cetera, et
9 cetera. These pollutants are carcinogenic. They have
10 a direct impact on the endocrine system, that is
11 endocrine disruptors, and also impact directly those
12 with compromised immune systems, those with conditions
13 such as asthma, bronchitis, COPD, emphysema, heart
14 conditions, et cetera, et cetera, et cetera. And
15 they're also having an impact on the very young and
16 the very old. Shell will be releasing 30.5 tons
17 annually of hazardous air pollutants, 164 tons
18 annually of large particulate matter 10, and 159 tons
19 annually of particulate matter 2.5. These pollutants
20 also include very dangerous levels of VOCs such as
21 benzene. And they can pollute in a very close
22 proximity to the plant, as well as many miles
23 downwind. Especially benzene, which travels many,
24 many, many miles. This causes blood cancer, leukemia,
25 which has a very, very poor outcome in adults, usually

1 a life expectancy of about 6 to 12 months. Have you
2 ever thought, is this the sort of environment would I
3 want to raise my children and my grandchildren? Would
4 I want them to be exposed to this kind of air and this
5 kind of water? Absolutely not.

6 In terms of us living with the dangerous
7 pollutants, we call on DEP to require Shell to do the
8 following to reduce and mitigate these dangers.
9 Actually, I'd like to see the plant not come here at
10 all and possibly stay out. First of all, I would like
11 Shell to --- to not allow Shell to exchange ERCs and
12 reduce in exchange VOCs at a higher level in one
13 location, and addressing those in another region.

14 Number two, Shell should be required to
15 use every new state-of-the-art available technology to
16 bring about emission reductions of VOCs within the
17 cracker facility itself before it's released into the
18 environment.

19 Shell and DEP should explore other
20 Emissions Reductions Credits at other facilities
21 instead of those facilities that are closed.

22 Number four, Shell should reduce the
23 VOCs and HAPs to install fence-line monitoring.

24 Number five, the DEP should also require
25 Shell to monitor and test the amount of VOCs emitted

1 from its flaring stacks. And I'd like to just in
2 summary state that since 1999, Beaver County has
3 actually had 40 percent reduction in VOCs. Now with
4 the Shell proposed operations, in a few years the VOC
5 levels ---.

6 CHAIR:

7 If you could wrap up, please, so that
8 ---.

9 MS. LEHMAN:

10 The VOC levels that were improving will
11 all be undone. They'll now be worse and be at their
12 highest levels ever in Beaver County. Thank you.

13 CHAIR:

14 Thank you. Mr. Wetzels, I'm sorry,
15 actually it's Chelsea Holmes. Chelsea Holmes? Thank
16 you. I'm sorry about that.

17 MR. WETZEL:

18 Okay.

19 MS. HOLMES:

20 My name is Chelsea Holmes, H-O-L-M-E-S.
21 I live on Berry Street in Pittsburgh. I'm here today
22 on behalf of Women for a Health Environment located in
23 Pittsburgh, PA. Our mission is to educate and engage
24 the community about environmental risks that impact
25 health and advocate for policy solutions that improve

1 the quality of life for ourselves and our region.

2 We ask the DEP to consider the harmful
3 effects of the Shell cracker plant facility on the
4 region's air quality. Air modeling in Southwestern PA
5 has shown that this region is in the top one to two
6 percent risk for cancer. In addition to hazardous air
7 pollutants, including carcinogens, such as benzene,
8 being emitted from this facility, similar types of
9 facilities around the country are also significant
10 sources of emissions, include nitrogen oxides and
11 volatile organic compounds, which also impact this
12 region's air. Both are precursors to ozone or smog, a
13 pollutant that already exceeds federal limits in the
14 Pittsburgh region, which is why Shell has sought
15 Emissions Reduction Credits. Ozone can aggravate
16 asthma and increase susceptibility to respiratory
17 illnesses and diseases.

18 According to the 2015 PA Asthma
19 Prevalence Report, one out of every nine adult
20 residents in PA has been diagnosed with asthma.
21 Nationally, it is one out of 12 adults. Close to a
22 quarter of adults and children in PA miss school or
23 work due to asthma. This number is only expected to
24 increase by 2020.

25 Shell should be required to comply with

1 the most recent, up to date pollution regulations. As
2 previously stated in other testimonies, Shell should
3 be looking to reduce their VOC emissions, not just the
4 amount of credits the company needs to purchase. We
5 request that the DEP reject Shell's application and
6 require Shell to submit a new discharger permit
7 application. The Shell ethane cracker will be a brand
8 new facility and should be subject to all the water
9 pollution limits that apply to brand new discharges.
10 Shell should not be allowed to claim it is an existing
11 facility to escape having to comply with stronger
12 pollution limits. Please remember that the old zinc
13 smelter that used to be at this location has been
14 demolished.

15 We ask the DEP to require Shell to
16 comply with limits for total dissolved solids, TDS,
17 and to reject its proposal to impose no limits at all
18 on Shell's TDS discharges. Please allow me to
19 reiterate that Shell is not an existing discharger of
20 TDS for the following reasons. This is a brand new
21 facility. The old facility has been demolished. And
22 two, these are brand new discharges. An ethane
23 cracker releases a completely different type of
24 wastewater than a zinc smelter.

25 Shell has admitted that its discharges

1 to the Ohio River, where millions source their water,
2 will be approximately double to triple the applicable
3 limit of 2,000 milligrams per liter, which puts health
4 and the environment at risk. The proposed limit will
5 allow Shell to discharge known or suspected
6 carcinogens such as benzene, toluene, tetrochloro
7 ethylene, and naphalene. As well as endocrine
8 disrupting chemicals such as diethyl, dimethyl and
9 dibutyl phthalate.

10 Endocrine disrupting chemicals impact or
11 interfere with the hormones in our body. Therefore
12 impacting reproductive development such as increased
13 infertility, precocious puberty in females, and
14 decreased sperm count in males, as well as impacts to
15 our metabolic function.

16 We are not only concern for our PA
17 communities, but also for our neighbors across state
18 lines in East Liverpool, Weirton, Steubenville,
19 Wheeling and Parkersburg; a community that's already
20 vulnerable due to their significant exposure to the
21 toxic chemical C8, which has been shown to cause
22 kidney and testicular cancer, liver disease, thyroid
23 problems, high cholesterol, heart problems and
24 pregnancy induced hypertension.

25 CHAIR:

1 I would ask you to wrap up if you could?

2 MS. HOLMES:

3 Okay. So in concluding, can we be
4 guaranteed that these various toxic chemicals be
5 filtered out of the water before they can reach
6 somebody's tap? We ask that you please deny the
7 permit applications as they have been presented.
8 Thank you for your time and attention.

9 CHAIR:

10 Thank you. Tim Wetzel followed by
11 Reverend James Hamilton.

12 MR. WETZEL:

13 I would like to thank the Pennsylvania
14 Department of Environmental Protection for the
15 opportunity to provide this testimony in support of
16 the issuance of the NPDES permit modification, excuse
17 me, and plan to approve modification for the air
18 permit to Shell Chemical Appalachia, LLC. I'm
19 speaking to you this evening as a member of the
20 Pennsylvania Independent Oil and Gas Association,
21 (IOGA), and as the principal of BridgeWorks, LLC, a
22 company located here in Beaver.

23 We appreciate the time and effort
24 expended both by Shell and by DEP in developing the
25 draft NPDES permit, and encourage DEP to issue the

1 final permit promptly and in accordance with your
2 administrative procedures.

3 The plan approval modification for the
4 air permit will result in an overall improvement to
5 the area's air quality. In some areas, including
6 Pittsburgh-Beaver Valley airshed, formation of ozone
7 is limited by the availability of nitrogen oxide.
8 This means that an increase in VOC emissions will have
9 a lesser impact on ground-level ozone formation, and
10 that reducing emissions of nitrogen-oxide is more
11 important to improving local air quality. Air quality
12 laws and regulations allow companies to trade between
13 VOCs and nitrogen-oxide if it can be demonstrated that
14 the local air quality improvements will be equivalent
15 to or better than the scenario where this trading had
16 not occurred. Shell has demonstrated that this is the
17 case, and DEP and U.S. EPA have agreed. We support
18 this interprecursor trading and encourage DEP to issue
19 the final permit in accordance with their
20 administrative procedures. Thank you for your
21 thoughtful attention.

22 CHAIR:

23 Thank you. Reverend James Hamilton,
24 followed by Joyce Turkaly. Reverend James Hamilton?
25 Joyce Turkaly followed by Jim Palmer.

1 MS. TURKALY:

2 Hello. My name is Joyce Purkaly,
3 J-O-Y-C-E, T-U-R-K-A-L-Y. My business address is 115
4 VIP Drive, Wexford, Pennsylvania, 15090. I'm here to
5 speak to the modification of the air plan approval.
6 I'm here to speak to the modification of the air plan
7 approval. Thank you DEP representatives for allowing
8 me time to speak tonight. Again, my name is Joyce
9 Turkaly. I'm director of Natural Gas Market
10 Development for the Pennsylvania Independent Oil and
11 Gas Association, referred to as PIOGA. PIOGA is the
12 principal nonprofit trade association representing
13 Pennsylvania's independent oil and natural gas
14 producers, marketers, service companies and related
15 businesses.

16 How to balance air quality concerns with
17 economic growth is at the core of this evening's
18 discussion. The type and amount of emissions
19 specific to this project are documented by thorough
20 project specifications that have been a matter of
21 public scrutiny for more than two years now. In 2014,
22 Shell Chemical Appalachia, LLC hosted three
23 educational and public engagement sessions in April,
24 September, November of that same year intended to
25 explain all aspects of what was a proposed project.

1 Shell provided the educational tools that have opened
2 and welcomed public dialogue. More specifically, the
3 residents of Beaver County have had the opportunity to
4 learn about the project and ask questions on the
5 issues of site remediation, safety, environmental and
6 health concerns and general knowledge of plant
7 operations, as well as the manufacturing of the
8 polyethylene, the product itself.

9 It was the September 2014 event that
10 addressed the specifics of air quality and safety.
11 The subject matter was presented by Shell. However,
12 there were three subject matter experts, independent
13 of the Shell staff, on hand to lend their unbiased
14 professional expertise and perspective in order to
15 answer questions from the audience on issues such as
16 site remediation, human health and safety concerns.
17 In June 2015, Shell received an air quality permit
18 plan from yourselves, the Pennsylvania Department of
19 Environmental Protection. Then in June 2016, Shell
20 further committed to this project financially which
21 gets us to where we are today.

22 Air quality laws and regulations allow
23 companies to trade between volatile organic compounds,
24 or VOCs, and nitrogen oxide, or NOx, if it can be
25 demonstrated that the local air quality improvements

1 will be equivalent to or better than the scenario
2 where this trading had not occurred. Shell is asking
3 to use additional NOx credits to offset VOCs, citing
4 language in the credit offset regulatory provisions
5 allowing them to do so.

6 In our view, this is a further benefit
7 to the region since, within this Pittsburgh-Beaver
8 Valley air shed, NOx is limited. Further, NOx
9 reduction has more impact in reducing ozone formation
10 than would VOC reduction. The concern with VOCs is
11 formation of ozone created when VOCs combine with NOx.

12 In the case of this valley, there is not
13 enough of the NOx pollutant for ozone to form to the
14 extent that the potential VOC emissions might
15 otherwise yield. And Shell's mitigation approach to
16 the VOC issue further reduces the amount of NOx that
17 can be produced.

18 The Beaver County community is no
19 stranger to industrial projects and was very well
20 prepared with questions on their top concerns. On
21 behalf of the PIOGA staff and the 523 member companies
22 under our Association, we support Pennsylvania DEP's
23 approval of the modification to the Shell's air plan.

24 CHAIR:

25 Thank you.

1 MS. TURKALY:

2 Thank you.

3 CHAIR:

4 Jim Palmer followed by Peter Deutsch.

5 MR. PALMER:

6 Excuse me. My name is James Palmer,
7 J-A-M-E-S, P-A-L-M-E-R. I reside at 1307 Agnew
8 Avenue, Hopewell Township. I'm here tonight as
9 President of the Beaver County Corporation for
10 Economic Development. We're a nonprofit corporation
11 with a mission of enhancing job creation and private
12 investment. CED is the acronym for the organization
13 and supports the approval of both the NPDES permit and
14 the modification of the existing air plan.

15 The project deserves this support for
16 several reasons. First, it represents the opportunity
17 for 600 new high quality manufacturing jobs with
18 family-sustaining wages. The project represents a
19 revitalization of a major site, as is deemed evident
20 by the extensive site reclamation and the development
21 work that has been to date. The project will be a
22 multi-billion dollar capital investment that will
23 impact the local economy in many significant ways, and
24 will place Beaver County the center of a new major
25 regional economic transformation that will have vast

1 --- sorry, I lost my place. That will have vast
2 long-term economic development benefit.

3 CED is interested in the quality of life
4 in Beaver County for Beaver County residents as well
5 in conjunction with this high-value employment
6 opportunities. The area has a long history of
7 manufacturing. It has environmental legacies that
8 were created as a result. Appropriate regulation of
9 the environmental impacts with the project was set.
10 The ongoing environmental permitting process has been
11 extensive, which was necessary and appropriate with
12 respect to public health and safety in a far-reaching
13 environmental implication for such a major venue.

14 CED believes the company has designed
15 its facilities based on principals of safety,
16 protecting the environment and being a good neighbor.
17 CED trusts the Department will ensure the facility is
18 designed and operating in compliance with that
19 regulatory and permit requirements that are in place
20 to protect the citizens of Beaver County and
21 Southwestern Pennsylvania.

22 Finally, we believe the permitting
23 process has and will continue to balance all community
24 interests and will explore the final approval of the
25 permit request. Thank you.

1 CHAIR:

2 Thank you. Next is Peter Deutsch
3 followed by Louise Loncar. Is the microphone in the
4 front working?

5 MR. DEUTSCH:

6 It is.

7 CHAIR:

8 I don't know if it's turned on. Can you
9 check the microphone?

10 MR. DEUTSCH:

11 Is this better?

12 CHAIR:

13 There you go. If you could pull it a
14 little further so that you can speak comfortably.

15 MR. DEUTSCH:

16 You mean comfortable in a situation like
17 this? How should do I that? How can that be? Thank
18 you for the opportunity to speak here. My name is
19 Peter Deutsch. First name Peter. Last name Deutsch.
20 It's the masculine form of the adjective. It's a
21 German word. I'm German. So that's D-E-U-T-S-C-H.
22 153 Cherry Lane, Aliquippa, Pennsylvania, which is
23 about a mile and a half from here, and two and a half
24 miles from the putative cracker plant. I support the
25 objectives of the Clean Air Council and others. I

1 admit that I am working with the Clean Air Council for
2 free, as a retiree. And I support the general idea of
3 reducing as much pollution as possible. Get it down.
4 Use the credits and get the pollution down. Don't
5 give credits to non-existing or closing plants. But
6 the things that actually are running. And I don't
7 know about what the specifics would be NOx's versus
8 the --- the nitrogen-oxide versus the VOCs. Maybe it
9 will work, maybe it won't. But get the pollution
10 down. Try to get people to reduce --- the companies
11 to reduce the existing pollution and also pollution in
12 the future. Get those emissions down.

13 I'm going to go over something that I
14 didn't see covered so much, which is to reduce the
15 small particulates, the small particulates are very
16 nasty, the ones that at the 2.5 micron and 10 micron
17 level that were mentioned so much tonight. But I did
18 see it mentioned in the book, in the little card.
19 They can get into the body, penetrating very deeply
20 getting into the circulatory system and more. And I
21 speculate that the small particulates have very large
22 surface area so they can absorb all kinds of things
23 that can cause problems on the way as they are emitted
24 --- after they are emitted.

25 Shell should monitor vigilantly and

1 protect from contaminated water by heavy metals,
2 asbestos and other materials. The newly visible
3 seven-foot coverage by non-impacted soils perceived to
4 shield the soil. They are now ground covering and
5 hills near the Shell site. And that Shell site has
6 been contaminated for many decades by various previous
7 industrial activities. So don't let that stuff get in
8 the water. Thank you.

9 CHAIR:

10 Thank you, sir. Louise Loncar followed
11 by Christina Serlo.

12 MS. COLLINS:

13 Thank you all. My name is actually
14 Emily Collins of Fair Shake Environmental Legal
15 Services. I'm representing Louise Loncar and
16 providing testimony on her behalf. So Emily Collins,
17 spelled E-M-I-L-Y, C-O-L-L-I-N-S. As a preliminary
18 matter, Louise is a neighbor to the facility of less
19 than half a mile away. And she received no notice
20 related to any of these applications or draft or the
21 handouts about tonight's meeting. She's a local
22 landowner in the Rag Run and Poorhouse Run watersheds,
23 and recently obtained her own NPDES permit for a small
24 flow sewage treatment facility. Upon hiring an
25 engineer to implement her own Part II permit, she

1 became aware that the flow levels of Rag Run and
2 Poorhouse Run had to reduced significantly to the
3 degree that her engineer did not feel comfortable
4 installing the system.

5 More recently, she discovered that her
6 water levels suffered severely diminished levels as
7 well. Given those circumstances, Louise is very
8 concerned that the flow levels relied upon by DEP to
9 determine ethanol limits are not the same as the
10 active flow levels of Rag Run and Poorhouse Run for
11 Shell's facility. In addition, she's very concerned
12 that reduced, receding stream flow levels are not
13 considered. They're very, very low at this stage.
14 Both Rag Run and Poorhouse Run will become desolate
15 sewers rather than their designated uses as warm water
16 fisheries. And if wastewater discharge by Shell in
17 any way contributes to ground water recharge in the
18 water shed, she's concerned that her depleted water
19 levels will only be recharged by that. Those are her
20 comments. Thank you.

21 CHAIR:

22 Thank you very much. Christina Serlo
23 followed by Bridget Johnson. Christina Serlo?
24 Bridget Johnson followed by Aaron Bonnaure.

25 MS. JOHNSON:

1 Thank you for giving me the opportunity
2 to provide testimony this evening. My name is Bridget
3 Johnson, B-R-I-D-G-E-T, J-O-H-N-S-O-N. I'm a native
4 of Western PA, born and raised in this region, and
5 currently reside in Westmoreland County. As I stand
6 here tonight, I'd like to share my thoughts on this
7 matter. To give a brief summary of my professional
8 experience, I've worked in the insurance industry,
9 medical and in the last decade I've been in the
10 construction industry. Currently, I work for Mascaro
11 Construction, one of the top general contractors in
12 Pittsburgh.

13 My employer and I or my employer is a
14 family owned business that has been a contractor in
15 this region for three decades. Myself and fellow
16 employees have been an active part in the Shell
17 cracker project from early on. As a local union
18 contractor, we are excited to have this project in
19 this area, and hope to have many more come to the
20 Marcellus-Utica region.

21 As I mentioned earlier, being a native
22 in Western PA and a professional in the insurance ---
23 or in the industry for some time now, I have been
24 watching Marcellus Shale and how it's transitioned in
25 PA, West Virginia and Ohio. I can remember eight

1 years ago being at a conference and the topic at the
2 time was how this natural resource, the Marcellus
3 Shale we have found was going to change the landscape
4 as we know it. Our economy was going to change as
5 well and our community, we're going to gain many
6 opportunities of new development as many people came
7 to our towns for employment. This has all happened.
8 And the growth and development has brought many jobs
9 to our communities we reside in today, restaurants,
10 hotels and residential homes. These, in my opinion,
11 are exciting times for Pennsylvania, Ohio and West
12 Virginia.

13 The environment is always a concern with
14 this type of growth and the products being produced
15 from the shale will bring all sorts of manufacturing
16 and more development and jobs. As advanced as
17 technology is in today's day and age, I feel
18 confident, as do many, that these companies that are
19 designing and engineering and building these pipelines
20 and compressor stations and plants. They are taking
21 every precaution to protect neighboring facilities,
22 homes and existing environments that follows DEP and
23 EPA guidelines.

24 Shell is one of the first of many
25 companies, large companies, that are coming to this

1 region investing in Pennsylvania. They hire experts
2 from all over the world in all facets of the
3 petrochemical process, and know how to build and
4 maintain a state of the art facility such as this
5 cracker. This is only the beginning of the transition
6 in our landscape here in PA. In years to come, we
7 will continue to see the use of natural gas. Natural
8 gas-fire powered --- okay. We support this, my
9 company and I.

10 CHAIR:

11 Thank you very much. And our next up,
12 Aaron Bonnaure, followed by Catherine Greer.

13 MR. BONNAURE:

14 Aaron Bonnaure, A-A-R-O-N,
15 B-O-N-N-A-U-R-E, 11 North 3rd, Harrisburg, PA. Thank
16 you for allowing me the opportunity to testify this
17 evening. It's an honor to be here to present this
18 testimony on behalf of State Senator Guy
19 Reschenthaler. It's an even greater honor to be here
20 representing more than 270,000 residents for the 32nd
21 Senatorial District in Allegheny and Washington
22 Counties. State Senator Reschenthaler strongly urges
23 the DEP to proceed with their intention of approving
24 the application to amend the permit of discharge
25 treated industrial wastewater and stormwater for Shell

1 Chemicals' petrochemical complex.

2 Additionally, Senator Reschenthaler
3 strongly urges the DEP to approve Shell Chemicals'
4 proposed modifications to their existing air quality
5 plan. Both of these routine matters between Shell
6 Chemical Appalachia and Pennsylvania Department of
7 Environmental Protection serve equally critical roles
8 to protect the environment in advancing the completion
9 of the petrochemical complex. To put this another
10 way, approving the plan and modification to the
11 existing air quality and wastewater construction
12 permit are the keys to unlocking over 6,000
13 construction jobs, 600 permanent employees, billions
14 of dollars of investments and potentially 10,000 jobs
15 from similar industries and suppliers.

16 Senator Reschenthaler like Governor Tom
17 Wolf believes that Shell understands their
18 responsibility to be a good steward of Pennsylvania's
19 environment. Furthermore, Senator Reschenthaler has
20 great confidence in the diligent work of the
21 professionals at the Department of Environmental
22 Protection who have reviewed the requested
23 modification.

24 After growing up in the Mon River Valley
25 region, Senator Reschenthaler has a great

1 understanding of the hardships faced by towns and
2 neighborhoods reeling from the decline of Western
3 Pennsylvania's manufacturing sector. He also
4 understands that this petrochemical plant is a third
5 step to Pennsylvania completely maximizing the
6 economic benefits of the Marcellus-Utica Shale
7 industries. Taking the remaining bi-product of
8 Western Pennsylvania's abundant unconventional wet gas
9 and cracking that into roughly 1.6 million metric tons
10 of polyethylene will position Western Pennsylvania as
11 a high-tech plastics manufacturing hub for generations
12 to come.

13 These shale industries support
14 family-sustaining job creation like we haven't seen in
15 this region for over 50 years. For these reasons,
16 Senator Reschenthaler would like to offer his
17 unwavering and passionate support for approval of
18 these permit modifications. Thank you again for
19 allowing me the opportunity to speak here tonight.

20 CHAIR:

21 Thank you. Catherine Greer followed by
22 Stephanie Carter.

23 MS. GREER:

24 Good evening. My name is Catherine
25 Greer. Greer, G-R-E-E-R, Catherine,

1 C-A-T-H-E-R-I-N-E. Thank you for the opportunity to
2 speak to you. Fifteen (15) years ago I moved to
3 Beaver County to get out into the country in order to
4 have horses and to get away from any kind of
5 development. I wanted to be close to nature. Five
6 years or so after I got here, Shale drilling started.
7 Prior to the drilling, I had delicious cool, tasty,
8 clean well water as did many others.

9 Once the drilling began, not only was my
10 well, but four of my neighbor's wells became tainted
11 with bacteria. It began to taste bad. And finally
12 the flows increased so much we had to have another
13 well dug. We have to have a UV light to make it safe
14 to drink. The water stinks and tastes bad even with a
15 water conditioner, all this expense, and still it
16 isn't good water.

17 As a lifetime resident of Pennsylvania,
18 I have been witness to the rise and fall of industry
19 as it's created jobs and pollution. Why good paying
20 jobs have to be synonymous with high emissions and
21 pollution, I don't know. It's time. It's time for
22 the leaders of the industry to be the good citizen
23 they claim to be, that our Environmental Protection
24 Agencies hold them to it. We know this cracker plant
25 is going to emit toxins both in the air and the water.

1 It's a mystery to me why you would permit any of it.
2 But if it is done in PA, we need you to
3 hold Shell to the highest standards. We need water
4 and air monitors all over the area so that we know
5 without question there is no water and air impact. We
6 need to know that if,/when there's an accident of some
7 kind, that every measure will be taken to rectify it,
8 not just the cheapest way. We need to know that you
9 will do everything to keep our beautiful town you see,
10 the Town of Beaver, healthy. It's one of the nicest
11 things about this county. And it's downhill and
12 downwind from this plant. Don't turn it into a ghost
13 town that the only thing people do there is get sick.
14 I don't understand science at all, but I
15 do know that when this kind of facility exists in
16 other places, people get sick and they die. Why must
17 we always be willing to sacrifice clean air and water
18 for jobs in this day of renewable energy? I
19 vehemently ask you to deny these permits. Give us
20 clean water and air.

21 CHAIR:

22 Next is Stephanie Carter followed by
23 Barbara Grover.

24 MS. CARTER:

25 Hello. My name is Stephanie Carter,

1 C-A-R-T-E-R. I live at Crescent Avenue in New Castle,
2 Pennsylvania. I urge the DEP to require an extensive
3 baseline water quality report for every community in
4 the immediate vicinity from the City of Pittsburgh to
5 the downstream community of Wheeling, West Virginia.
6 Also, it is important to pay attention to the nearby
7 community of Aliquippa, as it is unclear whether they
8 have been completely evaluated for health and
9 environmental impact considerations.

10 The most noteworthy chemical of mention
11 would be benzene. Benzene is a building block in the
12 production of petrochemicals. And per the Agency for
13 Toxic Substances and Disease Registry, which is a U.S.
14 Government database, it can affect the following organ
15 systems, the hematological system, the immune system
16 and the nervous system. It is known to be a human
17 carcinogen.

18 Benzene can pass from the mother's blood
19 to a fetus. Long-term exposure to benzene can cause
20 cancer of the blood-forming organs. This condition is
21 called leukemia. Exposure to benzene has been
22 associated with development of a particular type of
23 leukemia called AML. Both the International Agency
24 for Cancer Research and the EPA have determined that
25 benzene is carcinogenic to humans. Exposure to

1 benzene may be harmful to the reproductive organs.

2 It is not known what the effects of
3 exposure to benzene might be --- might have on the
4 developing fetus in pregnant women or on the fertility
5 in men. But studies with pregnant animals show that
6 breathing benzene has harmful effects on the
7 developing fetus. These effects include low birth
8 weight, delayed bone formation and bone marrow damage.

9 Several tests can show whether you have
10 been exposed to benzene. All of these tests are
11 limited in what they can show you. The test for
12 measuring benzene in your breath must be done shortly
13 after exposure. This test is not very helpful for
14 detecting very low levels of benzene in your body.
15 Benzene can be measured in your blood.

16 However, because benzene rapidly
17 disappears from the blood, measurements may be useful
18 only for recent exposures. The EPA has set a goal of
19 zero parts per billion for benzene in drinking water
20 and in water such as rivers and lakes because benzene
21 can cause leukemia.

22 It is extremely important to the nearby
23 residents and to the downstream residents, as I said,
24 that would extend into West Virginia, that if this
25 plant does get built, that every resident and agency

1 demand the continuous and frequent monitoring of the
2 public health, including close monitoring for benzene.
3 Thank you.

4 CHAIR:

5 Thank you. Barbara Grover followed by
6 Joseph Mirt.

7 MS. GROVER:

8 Hi. My name is Barbara Grover,
9 G-R-O-V-E-R. I live at 5526 Wilkins Avenue in
10 Pittsburgh. As chair of the Allegheny Group of the
11 Sierra Club, I am speaking here this evening on behalf
12 of its more than 5,000 members here in Southwestern
13 Pennsylvania. The Sierra Club opposes approval of
14 Shell's request for modifications to the original
15 required Emission Reduction Credits.

16 According to the document Shell
17 submitted to you in April 2016 requesting this
18 modification, and I quote, the owner/operator, Shell
19 Chemicals, shall secure 400 tons of nitrogen oxide,
20 620 tons of volatile organic compounds and 159 tons of
21 PM 2.5 ERCs. The table accompanying the letter shows
22 that Shell acquired ERCs of 198.15 tons of PM 2.5, 107
23 tons of VOCs and 1110.6 tons of nitrogen oxide.
24 Consequently, they have an abundance of PM 2.5 and NOx
25 credits, but are 513 tons short of VOC credits. So it

1 is clear Shell has not, at this point, met your
2 requirements. Shell wants to substitute the NOx
3 credits for the VOC credits.

4 The Sierra Club strongly objects to
5 allowing this substitution. Certainly you, the DEP,
6 set forth the original requirements for those specific
7 tonnages for good, sound, scientific reasons. To
8 allow this substitution negates your original valid,
9 thoughtful and appropriate decisions.

10 What precedent would this set for
11 further substitutions? You establish specific
12 requirements for the ERCs for Shell and other
13 companies. Those companies can now ignore those
14 requirements and ask for modifications just because
15 they were unable or unwilling to procure the necessary
16 ERCs. What happens to the balance of NOx and VOC
17 emissions? What's the impact on ozone? What
18 influence would those requested modifications have on
19 the quality of the air people breathe? I don't
20 believe that's the way you want the DEP to operate.

21 You know the health hazards of these
22 emissions. Here in Potter Township, the air quality
23 is already not good. Testimony has been given by
24 resident of Manchester, Texas and Mossville,
25 Louisiana, who live surrounded by several Shell

1 petrochemical plants. They have become ill and some
2 people have died.

3 Your job is to protect the environment
4 in which residents of Pennsylvania live. We strongly
5 urge you not to approve Shell's request for
6 modifications of the ERCs. Thank you.

7 CHAIR:

8 Thank you for your testimony. Joseph
9 Mirt followed by Nancy O'Leary.

10 MR. MIRT:

11 Is it 2016?

12 CHAIR:

13 Yes.

14 MR. MIRT:

15 Because as I stand in this room
16 listening to some of these testimonies, it sounded
17 like maybe they're regurgitated from ---. I'm
18 thinking to myself have I stepped out of a time
19 machine? Is this 1956 as opposed to 2016 because we
20 must have traveled back in time if we're still talking
21 about fossil fuels, if we are still talking about air
22 pollution, water pollution. It's 2016. Wake up.
23 Wake up. The world is waiting for us. This is
24 America, but we keep getting screwed over. Why?
25 Because the big bosses and the big money up top,

1 they're the ones that make the calls behind closed
2 doors. The DEP and Shell Oil, oh, I'd like to have it
3 noted that they were talking about our community, our
4 water. I'm glad to hear it's ours. Because they have
5 a right ---. What? We're allowed to tell them how we
6 really feel. We don't want this. Period. Period.
7 That's it. The permit, it's a new facility. New
8 permit. I mean, is this brain science or rocket
9 science or what are we talking here, you know.

10 And I've stepped into a backlog here and
11 I found some of these baseball like style trading
12 cards. But they're not trading cards. It's what you
13 call propaganda. On the back of these trading cards,
14 there's pictures of these really hot, cute looking
15 individuals. And on the back it says something like
16 occupational summary for electrician and annual salary
17 \$52,000. I know plenty of electricians. They don't
18 make that much anywhere. But Shell chemical
19 guarantees that on the back of this trading card that
20 they're giving out at high schools. Interesting.
21 That should be illegal.

22 You know who else does that type of
23 shit? The Department of Defense. When I signed up
24 for the military after 2001, September 11th, it was
25 triggered because whenever I was eight years old, I

1 got trading cards just like these. They were the
2 Patriot's series. Red, white and blue. Freedom baby.
3 Operation Desert Storm. And they were given to the
4 students. And guess what? Me and all my friends, we
5 jumped at the bit to join the military once the towers
6 fell. Why? Because when we were eight years old we
7 were given these trading cards with propaganda. And
8 it was teaching us that terrorists are the bad guys.
9 That those guys that are standing on our oil? How
10 dare they stand on our oil? God damn it. We're going
11 to get them out.

12 Propaganda and misinformation is how
13 this industry has succeeded. And if it was so
14 profitable, and if oil and fossil fuels was so
15 profitable, and these jobs were so important, then why
16 does Pennsylvania give up \$1.6 billion in tax credits
17 to these people? They don't get breaks. I had a
18 business. I lost my business. Why? Because I was
19 not profitable. Profitable means after overhead.
20 That's labor, utilities and taxes are paid. They are
21 profitable companies. So if this company is this
22 unprofitable that they need our help so bad, then they
23 should do something different. How about a zero point
24 energy plant? How about a solar farm? How about new
25 wind turbines? How about geothermal energy? Let's

1 get the smartest scientists in there --- CMU in
2 Pittsburgh, just 30 miles away, 30 minutes away from
3 here, let's get the smartest minds and have them work
4 it all ways to fix this plant, instead of ---.

5 CHAIR:

6 Sir, thank you for testimony. Your time
7 is up. Thank you. Nancy O'Leary followed by Fusheela
8 Nemani-Stanger.

9 MS. O'LEARY:

10 My name is Nancy O'Leary spelled
11 N-A-N-C-Y, O-L-E-A-R-Y. I live in Aliquippa. I am a
12 member of the Beaver County Marcellus Shale Awareness
13 Committee. And I am aware of the issues facing the
14 people of Pennsylvania related to the gas industry and
15 the mandate found in the principles of Section 27 of
16 the Articles of the Pennsylvania Constitution of the
17 people's rights to clean, air and water.

18 I concur with the other testimonies and
19 the Clean Water Action Council tonight that Shell and
20 the DEP should one, consider the harmful effects of
21 not reducing emissions which contain hazardous air
22 pollution and analyze its impacts relative to ground
23 level ozone.

24 Two, that shell and the DEP should
25 explore emissions reductions relative to the ethane

1 cracker plant itself in order to reduce its emissions
2 and the need for additional credits.

3 Three, explore credits and emission
4 reductions in other facilities in Beaver County based
5 upon present and future issues. And four, explore
6 emission reductions in other non-attainment areas
7 which contribute to the ozone issues based on
8 principles of protecting the present and future needs
9 of public health.

10 Also this week, I received a postcard
11 from Shell which states that Beaver County is
12 transitioning from its industrial heritage from heavy
13 metal processing into a modern industrial development
14 of the 21st century, and indicating that Shell, quote,
15 will be building a facility to minimize air quality
16 impacts unlike those of the past. Clearly, by their
17 own statement, Shell is building an entirely new
18 modernized facility and therefore, they must be
19 subject to current water pollution limits as well and
20 must comply with new, more stringent modern water and
21 air quality standards as an entirely new construction
22 project. And thus, must submit a new discharge permit
23 application subject to all new water pollution limits
24 that apply.

25 The postcard also states that it will be

1 seeking Emission Reduction Credits. It seems
2 irresponsible to seek credits, converting credits and
3 sourcing credits from areas without proper
4 investigation. I ask the DEP to first investigate
5 credits for best practices for Beaver County and other
6 offsets to make recommendations holding Shell to the
7 strictest standards.

8 Also, the postcard states that Shell
9 will rely on offsite ambient monitoring system rather
10 than fence line testing. But does not explain the
11 wisdom or safety of such a decision. I understand
12 that, because the facility is located in a valley
13 area, there may be occasional or possible air
14 inversion issues. Seemingly, when I look at the
15 picture on the back of the postcard, any adverse air
16 quality issues may travel some distance before
17 detection, endangering the residents who live between
18 the facility and the monitors.

19 Many working people in Beaver County are
20 seeking good jobs to feed their families, to get
21 ahead, and to live a peaceful life. However, the
22 meager 600 jobs expected does not outweigh the harm
23 which will be inflicted upon the people by allowing
24 Shell to pollute at will, to resist fence line
25 testing, and to negate good practices. Thus bringing

1 harm to the residents of Beaver County.

2 I ask the DEP to apply and hold Shell to
3 the strictest of air and water standards, ---

4 CHAIR:

5 I would ask you to wrap up. Your time
6 is up.

7 MS. GROVER:

8 --- to insist on fence line testing for
9 the safety of the residents. Thank you very much.

10 CHAIR:

11 Thank you very much. Fusheela
12 Nemani-Stanger followed by Sandie Egley.

13 MS. NEMANI-STANGER:

14 Hello. My name is Fusheela
15 Nemani-Stanger. That's spelled F-U-S-H-E-E-L-A,
16 N-E-M-A-N-I ---, Stanger, S-T-A-N-G-E-R. I'm a City
17 of Pittsburgh resident. I reside at 2134 Beachfield
18 Boulevard. I have serious concerns about this
19 project, the permit and the lack of consultations with
20 City of Pittsburgh residents. My grandfather used to
21 say if you don't have your health, you have poop. But
22 he didn't say poop. Pennsylvania residents have a
23 constitutional right to clean air. And we are, as
24 City of Pittsburgh residents, in the airshed of this
25 Shell cracker plant. And I feel that we need to keep

1 use of it. My neighbors, my friends, my family have
2 serious concerns. And a meeting, a public meeting
3 needs to be held in the City of Pittsburgh with
4 regards to this project.

5 Additionally, Shell is trespassing on
6 our air. The wind from this cracker plant will emit
7 known cancer causing particulates and smog and it will
8 blow directly towards the City of Pittsburgh. This is
9 verified by the EPA. The southwesterly winds will
10 push cracker plant pollution directly into the City of
11 Pittsburgh. As I said, Commonwealth residents have a
12 constitutional right to clean air. And here in
13 Pittsburgh conducted by your agency, the EPA and
14 whoever else, needs to hold a hearing. It needs to be
15 held. Significant resources have been provided to
16 Shell. And this is one of the largest polluters our
17 region will ever see. I guarantee you City of
18 Pittsburgh residents will have a lot to say. We
19 cannot afford to be short-cited when it comes to our
20 health like my grandfather says. Thank you.

21 CHAIR:

22 Thank you. Sandie Egley followed by
23 Jack Manning.

24 MS. EGLEY:

25 Sandie, S-A-N-D-I-E, Egley, E-G-L-E-Y.

1 810 1st Street in Beaver, PA, 15009. Thank you for
2 the opportunity to speak tonight. My name is Sandie
3 Egley and I am speaking on behalf of the Beaver County
4 Board of Commissioners. Beaver County has been part
5 of this discussion as Shell has evaluated despite the
6 Potter Township code --- facility. Shell has been
7 open with the County Commissioners and has included us
8 in every part of the process. Already significant
9 work has been done on the site. This work has
10 addressed the contamination from previous use of the
11 site in preparation for the site inspection of the new
12 cracker facility. The main objective of the site is
13 safety and has been expressed by Shell as their
14 priority. The economic impact of Shell's multi-
15 billion dollar plant will have on Beaver County and
16 all of us in Pennsylvania is difficult to quantify.
17 It is clear to the county that there is an influx of
18 developers looking to find opportunities in
19 manufacturing retail housing. The site preparation
20 work re-routing bridges, construction and the utility
21 operates all happening around the primary site of the
22 project will continue for many years to come.

23 It is important to note that the County
24 has expressed to Shell the importance of using as many
25 local workers and businesses as possible. Shell has

1 hosted many numerous public meetings which were
2 announced in the local paper and picked up by every
3 media outlet in the region. These public events have
4 both morning and evening time frames, which drew
5 thousands of people to listen to the project basis,
6 and allowed for an open forum to ask questions and
7 express concerns directly to the Shell staff. This
8 public transparent outreach is vital to keeping the
9 lines of communication open going forward.

10 Additionally, we have found that the
11 Shell Company is a company of integrity. What they
12 say is exactly what they have done to the extent that
13 situations have arose in a project of this size will
14 inevitably be some situations. But these situations
15 were address publically, promptly, and properly. As a
16 result, the county can state that its requirements
17 have been met. And from the county's standpoint, we
18 can recommend the approval of the Shell project.
19 Thank you very much.

20 CHAIR:

21 Thank you very much. Jack Manning
22 followed by Jennifer Tanner.

23 MR. MANNING:

24 Jack Manning, J-A-C-K, M-A-N-N-I-N-G.
25 Like the football player. No relation. I reside at

1 3315 32nd Street Extension in Beaver Falls. I'm Jack
2 Manning. I'm executive director and president of the
3 Beaver County Chamber of Commerce, as well as the
4 executive director of the Beaver County Partnership
5 for Community and Economic Growth. On behalf of the
6 Boards of those two organizations, we strongly support
7 granting the permits necessary to support this project
8 going forward.

9 In full disclosure, I previously worked
10 over 35 years in the chemical industry for companies
11 producing polypropylene, polystyrene and polyethylene
12 materials, including serving as plant manager and
13 director of manufacturing. We can all debate the
14 types of potential benefits and issues that arise in a
15 facility like the one proposed. But the bottom line
16 for us is will Shell operate within the parameters
17 established by the rules, regulations and laws
18 established by Congress and the Commonwealth of
19 Pennsylvania at all governmental levels? I think it's
20 clear, having listened to hours of testimony from
21 officials in Potter Township that the answer is a
22 resounding yes.

23 The extensive lengths that Shell is
24 going through to listen and respond to the local
25 community and adhere to Township ordinance demands,

1 and find the best and latest technology to abate
2 sounds, minimize lighting, and inform the public is
3 truly remarkable to someone like me who's worked in
4 the industry.

5 In fact, it has become apparent to me
6 that there are very few companies in the world, I
7 could probably count them on one hand, who could build
8 a state of the art, world class polyethylene facility
9 like Shell is going. We should feel fortunate that
10 Shell is the first one building a facility like this
11 in our region. They are setting a standard that will
12 be difficult to meet.

13 I know that none of what I say will
14 please or be taken seriously by those who are
15 ideologically opposed to the industry. I get that
16 after working in the industry for so many years. But
17 seeing the technological advances, the engineering
18 genius, the training and dedication of the employees
19 that work in the industry, and will work at this
20 facility, I have complete confidence that it will also
21 be managed in a world class manner.

22 And finally, the economy and community
23 growth this project will bring to Beaver County will
24 enhance our standard of living and bring greater
25 prosperity to the region, and help reverse the

1 population decline of Beaver County, which peaked in
2 1972 at 208,000 people now hovers at less than
3 169,000.

4 Fewer people means less taxes, more
5 strain on schools and small businesses, more blight in
6 traditional downtowns and a smaller employee pool to
7 fill job openings. This is a long-awaited and much
8 needed spur to get Beaver County and the region's
9 economy growing again is wholeheartedly supported and
10 we recommend the granting of the permits.

11 Thanks for your time and consideration.
12 We proudly have the Beaver County Chamber of Commerce
13 logo on these cards. The facts are verifiable. It's
14 dated. It's proof of the factual records ---

15 CHAIR:

16 Thank you.

17 MR. MANNING:

18 --- for cracking companies.

19 CHAIR:

20 Thank you very much. Jennifer Tanner
21 followed by Lisa Hallowell. Jennifer Tanner?

22 MS.:

23 Melanie, Jennifer is going to submit
24 hers in writing.

25 CHAIR:

1 Oh, okay. I'm sorry. Thank you. Lisa
2 Hallowell.

3 MS. HALLOWELL:

4 Good evening. Lisa Hallowell,
5 H-A-L-L-O-W-E-L-L. I'm an attorney for the
6 Environmental Integrity Project based in Philadelphia.
7 First, I'd like to thank DEP for re-opening the public
8 comment period and holding this hearing for the draft
9 NPDES permit.

10 DEP's stated mission is to protect
11 Pennsylvania's air, land and water from pollution and
12 to provide for the health and safety of its citizens
13 through a cleaner environment. The Clean Water Act
14 required DEP to issue NPDES permits that require
15 facilities that plan to pollute and limit how much
16 they will be discharging, and to monitor their
17 discharges. New, large discharges, in particular,
18 must meet the most protective standards.

19 We are here tonight because the draft
20 permit DEP has released for the Shell cracker plant is
21 deficient, and the public has many unanswered
22 questions about the pollution from this facility,
23 which will discharge a variety of toxic pollutants.

24 First, strict compliance with pollution
25 regulations is important because Shell has a history

1 of risking compliance issues. For example, Shell was
2 just fined \$91,800 in May 2016 for violation that the
3 Shell Petrochemical plant in North Louisiana related
4 to risk management plants, which are required under
5 the Clean Air Act as a facility that uses extremely
6 hazardous substances. This plant is also --- that
7 same plant is also in significant non-compliance with
8 the Clean Water Act for failing to submit discharge
9 monitoring data for any of 2016 for the EPA ECHO
10 compliance database.

11 In addition, the draft permit for this
12 site fails to require Shell to comply with all the
13 rules that are legally required to keep the public
14 safe. DEP requires TDS limits for new discharges.
15 DEP and Shell both admitted, per the application and
16 draft permit, that Shell is a new discharger and that
17 this is a new type of industrial facility. But DEP's
18 draft permit imposed no limits at all on TDS, or
19 total dissolved solids. DEP accepted Shell's argument
20 that its new discharges were somehow existing, based
21 on an exemption of the regulations for maximum daily
22 discharge loads that were authorized by the Department
23 prior to August 21st, 2010. That is false. Shell is
24 not an existing discharger of TDS. This is a
25 brand-new facility. The old one was demolished. This

1 is an entirely new industrial waste stream, as Shell
2 has admitted to in the materials.

3 And finally, DEP never authorized a TDS
4 load for Horsehead's zinc smelters discharges at all
5 prior to 2010. They applied for a permit in 2006, but
6 according to DEP's website and the materials
7 available, it was not approved until 2015. Well after
8 the 2010 TDS limit was in place. There is no TDS load
9 that the DEP had authorized during that time. DEP
10 must impose TDS limits that were adopted.

11 DEP itself has admitted that the major
12 concerns with high concentrations of TDS in water are
13 the adverse effects it may have on aquatic life, human
14 health, and drinking water supplies.

15 I'll wrap up. In order to adhere to its
16 own stated mission, DEP must deny Shell's amended
17 application and require Shell to submit a new
18 application that is required for all new facilities.
19 And must release a new draft permit that holds Shell
20 to all applicable water pollution requirements. Thank
21 you.

22 CHAIR:

23 Thank you very much. Joy Sabl followed
24 by David Taylor.

25 MS. SABL:

1 Joy Sabl, 7008 Garden Street,
2 Pittsburgh. Shell and its subsidiaries around world
3 have many different faces. So let's clarify this. In
4 Northwest Europe, following very strict rules of
5 production in days, et cetera, they're fairly good
6 neighbors. In comparison, in Africa, they're filth
7 and brutality are legendary. In Indonesia, they're
8 fairly dirty and a bit corrupt. When their rig ran
9 aground in Alaska in 2014, the Coast Guard said that
10 they had been reckless. When Deepwater Horizon blew
11 well, you know, it wasn't --- it was beat down.
12 People's eyes weren't on it. This is actually normal
13 for corporations. The corporation's first duty is to
14 its shareholders. And as adults, it is only a level
15 of oversight to determine whether Shell is a good
16 neighbor or a bad neighbor, a good player or a bad
17 player in any particular location. So what you saw
18 elsewhere on reflects the rules they were required to
19 live up to not their kindness or their goodness or
20 what have you.

21 I'd also like to save all of the --- I
22 hope that all the labor folks here are still my
23 friends. If somebody offered you 80 bucks to go put a
24 carcinogen in your neighbor's house, not only would
25 you say no, you'd probably punch him. So if a job

1 that offers you \$80,000 a year that contributes to
2 increasing carcinogen loads in your neighbor's houses
3 should also be looked as bad.

4 I don't want to say that I'm against all
5 cracker plants. I'm happy to say if I look around
6 this room, many people here came here in cars that
7 need fuel. Many of them were built with plastic. I'm
8 in plastics myself. What you really need is that
9 Shell has the ability to follow rules like it should.
10 It has the ability to not use false credits that are
11 created after the fact for a company that has already
12 closed. Shell has the ability to do it right. And
13 you should require them to do it right. You should
14 not let them --- you should not give a pass on
15 cobbling together something like this. You should
16 force them to start over, do it right because they
17 can. And then you will actually have good jobs,
18 instead of poisoning ourselves voluntarily. Thank you
19 very much.

20 CHAIR:

21 David Taylor followed by Parker Webb.

22 MR. TAYLOR:

23 Thank you. My name is David Taylor,
24 T-A-Y-L-O-R. I'm the president of Pennsylvania
25 Manufacturers' Association, 225 State Street in

1 Harrisburg, 17101. We are the statewide, nonprofit
2 trade organization that represents the people who make
3 things here in our Commonwealth, manufacturing the
4 engine that drives Pennsylvania's economy, directly
5 employing 570,000 hardworking Pennsylvanians on the
6 plant floor, and sustaining millions of additional
7 Pennsylvania jobs through supply chains, distribution
8 networks and vendors of industrial services. I am
9 here to support the permit for the Royal Dutch Shell
10 Chemical Appalachia Petrochemical Complex.

11 On June 7th this year, Shell announced
12 the confirmation of this long-awaited multibillion
13 dollar petrochemical plant, an ethylene cracker
14 facility that will revolutionize industry in
15 Pennsylvania. The significance of this investment is
16 enormous because it will serve as a catalyst for
17 transformative economic activity and a new prosperity
18 for Pennsylvania. The benefits that our Commonwealth
19 and nation will realize are almost beyond imagine.

20 The Shell complex will split a hydrogen
21 molecule off ethane, which is being harvested along
22 with the methane, what we call natural gas. That
23 cracked ethane is called ethylene. Ethylene is the
24 feed stock, the core manufacturing input, of every
25 kind of paint, glaze, solvent, adhesive, coating,

1 plastic, rubber and Styrofoam used in every kind of
2 consumer good that you and I purchase, handle and use
3 every day.

4 Producing this important chemical, this
5 building block of modern manufacturing, right here in
6 Beaver County will lower production costs for our
7 manufacturers. That will create a more economically
8 competitive Pennsylvania, which means a revitalized
9 plastics industry in Northwest Pennsylvania, more
10 steel production throughout our Commonwealth for gas
11 extraction and infrastructure development, and more
12 refining and export opportunities in our ports in
13 Philadelphia and Pittsburgh. The opportunities for
14 economic growth are infinite.

15 Estimates are that Pennsylvania will
16 realize a \$4 billion private-sector investment in the
17 construction phase alone. If built as planned, it
18 will be the only petrochemical facility of its kind in
19 the northeast United States. The synergy from
20 co-location by manufacturers using the feedstock
21 produced here again, is almost beyond imagining. The
22 ethylene production will revitalize our economy by
23 growing our economic output in the form of
24 manufactured goods, and more people will be employed
25 in the manufacturing sector to produce those goods,

1 transport those goods and sells those goods throughout
2 the world.

3 The petrochemical manufacturing industry
4 that is waiting to be born will bring economic growth
5 greater than Pennsylvania has already seen from the
6 drilling. We must embrace this energy opportunity by
7 connecting Marcellus Shale natural gas production with
8 industrial, commercial and residential consumers
9 across Pennsylvania and throughout the Mid-Atlantic
10 region. If we do, Pennsylvania will usher in decades
11 of prosperity, generations of job opportunities and
12 the brighter future we all want for our families,
13 neighbors, and friends.

14 CHAIR:

15 Thank you. Parker Webb followed by Kate
16 O'Brien.

17 MR. WEBB:

18 You see the universe works in perfect
19 ways that's why they put me after the pro-plastic guy
20 for better jobs. My name is Parker Webb, P-A-R-K-E-R,
21 W-E-B-B. My home is Mother Earth. I'm a civil
22 environmental engineer. My degree from the University
23 of Pittsburgh. Former structural inspector of the
24 Horsehead plant under Carnegie Strategic Design. That
25 plant's toxic air was part of the reason I resigned

1 from my job. Coughing up green mucus is not an
2 enjoyable way to live. I was poisoned by the toxicity
3 of that plant, even while wearing proper masks,
4 respirators and other safety equipment. I made the
5 decision then to prioritize my health. At that point,
6 leaving my home town to hitchhike the United States on
7 a journey to find truth and a better, healthier way of
8 living.

9 I have recently returned from two visits
10 at Standing Rock, North Dakota where I joined a group
11 of water protectors fighting to preserve the quality
12 of our drinking water. I'm disheartened to hear that
13 the pipeline not far from Standing Rock has recently
14 spilled over to 150,000 gallons of this toxic oil. A
15 trend that seems to be increasingly popular nowadays.
16 It is becoming more obvious to all of us that these
17 archaic ways of fueling our existence, fossil fuels,
18 are no longer suitable for the healthy living of human
19 beings on this planet.

20 As an engineer though, I aim to create
21 solutions to problems and better alternatives where
22 they are deemed necessary. I believe with every fiber
23 of my being that the only answer to the problem the
24 community faces today is to return to nature, the
25 earth, our mother, and the love and knowledge that she

1 provides. In a world with an ever-expanding
2 population, we can't simply say no pipelines and no
3 plastic plants without offering practical alternatives
4 to a fossil fuel dependent society. The alternative I
5 offer would be better in every regard, besides
6 profitability for Shell, who's not here, is a viable
7 option of bioplastics, particularly hemp plastic.
8 Industrial hemp is perfectly legal in ten different
9 states in the United States.

10 In July 2016, Governor Tom Wolf signed
11 legislation to legalize the growth and production of
12 industrial hemp with restrictions. But all it takes
13 is a new signature to lift that restriction and
14 replace a toxic producing cracker plant with an
15 all-natural alternative, totally safe for the public,
16 and entirely capable of replacing plastic. Hemp can
17 be made up to five times thicker and three times
18 stronger than polypropylene plastic. Hemp is a quickly
19 renewable resource with no health and safety risk
20 involved in production and/or disposal either. Hemp
21 used to be required and grown by farmers until they
22 quickly realized it's not profitable and created the
23 reefer madness propaganda, calling it marijuana, and
24 hired some guys called the DEA to keep it from being
25 grown. Hemp is only one earthly viable alternative.

1 Believe it or not, fungi, particularly mushroom
2 psyllium, offers environmentally-friendly alternatives
3 to plastic as well. The alternative to fossil fuel
4 based products are endless. We are just unaware of
5 this due to the fact that big oil don't hold the
6 patents of those viable alternatives. After learning
7 for last five years that we are all together on this
8 mothership. And right now she's sinking like a
9 submarine. And we need everyone to wake up and do
10 their part to stop the destruction of the only home we
11 know. We're counting on 2017 ---.

12 CHAIR:

13 Sir, I'm going to ask you to finish up.
14 Your time is up.

15 MR. WEBB:

16 I want to have one closing statement.

17 CHAIR:

18 Make it quick because your time is up
19 because your time is up. We have other people ---.

20 MR. WEBB:

21 Grow your own food with your employees.
22 And fuck the plastics plant. Thank you.

23 CHAIR:

24 I would ask that you refrain from making
25 outbursts. And the next person is Kate O'Brien

1 followed by Lauren Beattie.

2 MS. O'BRIEN:

3 It's K-A-T-E, O, apostrophe, B-R-I-E-N.
4 I'm a proud resident of McKees Rocks Bottoms. I live
5 on Ella Street, 15136. And I live on the Ohio River.
6 I have here all --- and that's what's coming back on
7 river, and coming back close to my house, and close to
8 any environment near you. It's the saddest state of
9 affairs when as someone said before in 2016, we're
10 still dealing with all of this. When the known
11 carcinogenic effects are out there. I mean I had to
12 call in a man to Google on how to, I have to stop
13 getting more confused, but to Google and find all the
14 information they might want to find. So why aren't
15 you Googling this? I'm just perplexed. There are
16 much better ways, much more environmental ways of
17 keeping things in order, of having all the things we
18 need in life.

19 Why are we doing this? I don't
20 understand. I'm mystified, confused. You know, I'm a
21 proud tree lover. But I'm also a very pragmatic
22 woman. And I am confused. I really believe that what
23 we'd call the few people that might die from the
24 carcinogens that are omitted from these plants --- not
25 just Shell. Shell's a big offender. But why don't we

1 call them by their real name, collateral damage?
2 Isn't that what you call it in a war? It's collateral
3 damage when innocent people die. Because these are
4 innocent people that are afflicted with these
5 problems. And a lot of them are children. So we
6 watch these children suffer. We see St. Jude's
7 Hospital commercials all the time with them without
8 their legs, with no hair.

9 I mean how can anybody be okay that this
10 actually goes on and that it's promoted. And it's
11 promoted by the people who could do something about
12 it. Those people being council members, community
13 development members, Shell Oil executives who need a
14 big tax incentive in order to bring their business
15 here. Yeah, okay. So why don't they pay the taxes
16 and then these schools and so on won't have to ---
17 that they could provide the education necessary.

18 And one last thing. I feel that this is
19 an insidious vile of abuse of all of us. Thank you.

20 CHAIR:

21 Thank you very much. Lauren Beattie
22 followed by Karmen Mogdam. Lauren Beattie? Karmen
23 Mogdam? Thaddeus Popovich.

24 MR. POPOVICH:

25 Karmen's here.

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CHAIR:

Oh, Karmen's here? I'm sorry.

MS. MOGDAM:

That's okay.

CHAIR:

I didn't see you. So followed by
Thaddeus Popovich.

MS. MOGDAM:

My name is Karmen Mogdam, K-A-R-M-E-N,
M-O-G-D-A-M. I'm here as a resident of Pittsburgh.
My address is Pittsburgh. Rosalyn Street, sorry. I'm
not used to this. But I've come here as a resident of
Pennsylvania, a resident of this area, a homeowner,
and human being. And I am deeply concerned about this
plant. And this is some of the most toxic chemicals.
And there are none of those things, those products
that they talked about that the ethylene cracker would
give this area that we can't find other things that
can make them. The idea that Shell --- about how
Shell has gone about this trying to --- basically to
me it sounds like they're trying to get around the
rules by saying the plant is --- they're using the old
credits to get the new plant started. But it's the
new plant that would have more stringent requirements
on that. That sounds like and then we don't have a

1 third party to evaluate the information that they're
2 giving us? It sounds like we're trying to be
3 controlled. And I don't trust them to be quite
4 honest.

5 In Louisiana, the area we just talked
6 about, as a cancer highway. I've done some research
7 on that. It's not just the little ones. Yes, the
8 little ones, children are important. But it's also
9 the elderly. The people who have low immune systems,
10 all of these people are affected. If you have asthma
11 to begin with, you're going to definitely have a
12 problem. And we're talking about an area that, as it
13 was discussed before, doesn't have --- doesn't meet
14 the federal standards for the environment as it is.
15 We're still cleaning it up from the last plant, okay.

16 If you have to look at these people and
17 look at a permit, then they should definitely have to
18 remake their permit. And they should be held to above
19 the standards. They should not get the credits from
20 before. They should not get credits that were made up
21 on paper. If this plant just was destroyed, the old
22 Horsehead plant was destroyed, and they had credits
23 that are no longer of use. Well, that credit should
24 go back to the environment.

25 I just came from Standing Rock, okay.

1 This is not a done deal. There have been four
2 environmental and --- four projects that have been
3 stopped in connection with this kind of oil, and this
4 kind of production. This plant isn't even built yet.
5 We don't have to give them a permit. And if we're
6 going to give them a permit, we should absolutely make
7 sure that it's not going to increase the health
8 problems of people already here.

9 CHAIR:

10 Thank you. Thaddeus Popovich followed
11 by Lisa DeSantis.

12 MR. POPOVICH:

13 Thank you. My name is Thaddeus
14 Popovich, T-H-A-D-D-E-U-S, Popovich, P-O-P-O-V-I-C-H.
15 I currently live in Franklin Park in Allegheny County.
16 And before I go any further, we don't need plastic.
17 This is called a box. You can buy this now in our
18 part of the country at the Market District, also at
19 Whole Foods, also at Target to name a few places. We
20 don't need plastic. We can buy a product in boxes.
21 Okay. I'll go on. As a co-founder of Allegheny
22 County Clean Air Now, an informal association n
23 ot-for-profit, I am here on my own volition as many
24 people are. And others who are proponents of the
25 Shell cracker were paid to be here. I have worked

1 diligently to expose the air and water pollution
2 problems created by the DTE Energy Shenango coke
3 plant, located six miles down the Ohio River from
4 Pittsburgh.

5 The plan was shut down nearly a year
6 ago. We no longer are fearful of the air and water
7 contaminants measured in tons per year, which spewed
8 into our air and flowed into the Ohio River. Our air
9 and water are cleaner now. We expect that our
10 incidences of cancer and cardiovascular, nervous and
11 respiratory system problems will go down
12 significantly. And I have attached to my testimony a
13 table, which indicates all of the pollutants which
14 caused a variety of diseases and chronic illnesses.

15 I am the poster boy. In 2012, I had a
16 quintuple heart bypass surgery. My cardiologist says
17 if I could move away from the pollution sources, I
18 should, to keep my life going further. And I don't
19 think I've heard anything as bad as that, but I'll
20 move on. If this facility comes into the area, I am
21 definitely moving.

22 Today I want to talk about the Ohio
23 River, a source of drinking water for more than 5
24 million people who live in Pennsylvania and five other
25 states, before emptying into the Mississippi River.

1 Because of its legacy as a working river, the Ohio is
2 still the most polluted waterway in the entire
3 country. These words were spoken recently by Collin
4 O'Mara, President and CEO of the National Wildlife
5 Association on a recent Allegheny Front Program.

6 She suggests that when we value larger
7 industrial facilities like the proposed Shell ethane
8 cracker plant, we should also value the economic loss
9 that occurs when you degrade a waterway like the Ohio
10 River. Across America, the outdoor economy is about a
11 \$646 billion economy, employing more than six million
12 people. That compares very favorably to many of the
13 largest industries in the country. So think about it.
14 If you have instead of Pennsylvania providing a \$1.65
15 billion investment ---.

16 CHAIR:

17 Sir, if you could please wrap it up?

18 MR. POPOVICH:

19 Instead of a tax credit to Shell to grow
20 jobs in our outdoor economy, then we would be a
21 recreational hub instead of a petrochemical hub.

22 CHAIR:

23 Thank you. Lisa DeSantis followed by
24 John Detwiler. You're just turning in your testimony?

25 MS. DESANTIS:

1 Yes.

2 CHAIR:

3 Okay. Thank you very much. John
4 Detwiler? Robert Nishikawa?

5 MR. NISHIKAWA:

6 Close.

7 CHAIR:

8 Sorry about that.

9 MR. NISHIKAWA:

10 Thank you.

11 CHAIR:

12 Followed by Edwin Hill.

13 MR. NISHIKAWA:

14 Hello. My name is Robert Nishikawa,
15 N-I-S-H-I-K-A-W-A. So I'm here on behalf of my wife,
16 who's working, my daughter who is studying for exams
17 and my son, who is probably in bed by now. So you've
18 heard a lot of well thought out arguments tonight.
19 And you need to weigh these arguments to make a
20 decision. As a research scientist at Pitt, I know
21 this can be very difficult. So let me just make one
22 observation. The argument for allowing the variance
23 is jobs. Well, it's your job to keep the current
24 high standards as they are. I'm not here to advocate
25 for the company. But what would be the consequences

1 of denying their modifications to the permit? What
2 would be the consequences of denying their
3 modifications to their permit? The consequence would
4 be better air and water quality for nearly 2 million
5 people. I'm not hearing a downside to holding Shell
6 to the existing standards without the variance. I'm
7 guessing that it's monetary. I'm asking you, DEP,
8 please do not trade the health of 2 million people so
9 that a multi-billion dollar company can make even more
10 money that they'll make from the cracker plant, as
11 they pollute our air and water. Thank you very much.

12 CHAIR:

13 Thank you. Edwin Hill followed by
14 Cheryl Hanson.

15 MR. HILL:

16 My name is Ed Hill, H-I-L-L. And my
17 address is 164 Ford Hill Drive, which is Laurel
18 Township. And I'm a representative of the
19 International Brotherhood of Electrical Workers
20 headquarters office. As such, I represent 113,000
21 members in Pennsylvania, New York, New Jersey, and
22 Delaware. And I a member --- or a resident of Beaver
23 County.

24 I testify today in support of the PA
25 Department of Environmental Protection's review and

1 approval of Shell's request for amendment of the NPDES
2 permit and approval of the amendment of the air
3 quality plan. I'm not an expert in permitting by any
4 means. But with regard to my understanding of the
5 requested amendment of the stormwater permit, I think
6 it's called, Shell is requesting that they not be
7 required to manage and treat storm water runoff if and
8 when the DEP determines that the water is clear of
9 harmful contaminants. This request, including
10 continued evaluation of the water by the DEP, seems
11 completely within reason to me. Again, if the DEP
12 considers the water clean, then Shell is not required
13 to test it per the permit --- excuse me, treat it per
14 the permit.

15 Shell is also requesting amendment to
16 the air quality plan to allow credit from closed
17 facilities to apply to the new project. It is my
18 understanding upon review of the available information
19 that I have, that the shuttered facilities overall is
20 higher than Shell has requested for use at their
21 facility. In other words, an overall reduction. Both
22 the EPA and the DEP have approved Shell's air quality
23 plan.

24 Lastly, it is my understanding that
25 Shell is in compliance with regulations in effect on

1 both of their requests. Further, Shell has
2 demonstrated a high level of concern for safety and
3 environmental issues on that site to date. And I
4 state that with first-hand experience. Given they are
5 both within the law in their request and have
6 demonstrated good citizenship, I believe the DEP
7 should approve the permit amendments and encourage you
8 to do so. Thank you.

9 CHAIR:

10 Thank you very much. Cheryl Hanson
11 followed by John McCandless. Do we have Cheryl
12 Hanson? John McCandless? Ken Holmes? K.
13 Fitzpatrick? K. Fitzpatrick?

14 MR. FITZPATRICK:

15 I would like to speak. I'm just here to
16 discuss one thing. Granting of this project and
17 express our appreciation of the people up there.
18 Because all they do is listen to complaints. And
19 typically they get to do that, I'm thinking on the
20 job, as well as at the hearings. So you're sitting
21 there listening to all of us complain what we like or
22 what we don't like. The reality is that what Shell is
23 going meets the qualifications of the law. And they
24 are here and explaining to the people in this room
25 that they are. Based on personal acquaintance with

1 Shell, having been a consultant with them on a number
2 of projects, they are an ethical company. If the law
3 says you do it, they will do it. There's no question
4 about that. Are they perfect? Nobody is perfect.

5 But the reality is you need this
6 project. It will be done properly. The DEP will see
7 to it that it's done properly. And it will meet the
8 criteria that are set by the law. And look at this
9 group. Not very many left. How did we get here? Did
10 you walk? Did you ride a horse? I think you came in
11 a car. Some of you might have come in an SUV by
12 yourself. All right. We need this stuff. We need
13 the polyethylene. We use it every day. We get our
14 ---.

15 AUDIENCE MEMBER:

16 No, we don't.

17 CHAIR:

18 Please no outbursts from the audience.
19 You had your time. This is this gentleman's time
20 right now. Thank you.

21 MR. FITZPATRICK:

22 We need the material that comes from
23 this. It will be made safely. It will be made in
24 accordance with the law. They will be good citizens.
25 And we will be delighted to have them. Thank you.

1 CHAIR:

2 Thank you, sir. And next we have Emily
3 Collins followed by Sister Diane Cauley. Emily
4 Collins? Sister Diane Cauley followed by Sister Kari
5 Pohl.

6 MS. CAULEY:

7 My name is Sister Diane Cauley,
8 D-I-A-N-E, C-A-U-L-E-Y. And I am a sister at St.
9 Joseph of Baden in Pennsylvania and a member of a
10 four-person leadership team elected to lead this
11 congregation. As Sisters of St. Joseph, we are
12 committed to and have a passion for the environment,
13 social justice and an Ignatian spirituality of
14 discernment.

15 In terms of the environment, there are
16 known toxins that will emitted from this petrochemical
17 plant that will impact the air, the water and the soil
18 of this region for many years to come. These toxins
19 will surely impact the health of those who live in
20 this area. As a member of our leadership team, I am
21 responsible for the wellbeing of 166 sisters, many of
22 whom are frail elderly and live on our motherhouse
23 grounds in Baden. I am equally concerned about the
24 many other frail elderly who live in this region of
25 Southwestern Pennsylvania, and the children of this

1 and succeeding generations whose health may be
2 compromised by these toxins. In particular, the
3 benzene is a known carcinogen for childhood leukemia.

4 The Shell people have said that this
5 project will create jobs in the area. During the
6 five-year construction phase, I would like to think
7 that this will employ local laborers. However, I have
8 to wonder about the many hotels that have gone up in
9 the area, especially near Beaver Valley Mall, since
10 the announcement of the cracker plant. Two of our
11 Sisters began the Beaver County Anti Human Trafficking
12 Coalition about five years ago. They have been
13 working with hotel staff, police and government
14 officials and other interested people to educate to
15 the signs of human trafficking. If as expected there
16 are young, single men coming into this area during the
17 projected construction period, there is likely to be a
18 drastic increase in the amount of human trafficking,
19 which generally effects the most vulnerable among us,
20 namely, children in the foster care system.

21 Finally, in my opinion, a
22 multi-national, multi-billion dollar company should
23 not be permitted to use money to buy its way out of or
24 around current standards, when the citizens who live
25 here will suffer the effects in their health, food,

1 water, air and soil for years to come. Your job is to
2 protect the environment, people, health. Please do
3 the right thing and require the current standards,
4 continuous monitoring, and collection of data from
5 Shell plants already in operation before approving
6 their permit.

7 Is it possible to do what is moral and
8 not waive restrictions on what isn't even currently
9 legal? Thank you very much.

10 CHAIR:

11 Thank you very much, Sister. Sister
12 Kari Pohl.

13 MS. POHL:

14 Good evening. My name is Sister Kari
15 Pohl. First name K-A-R-I. Last name P-O-H-L. I'm a
16 Sister of St. Joseph at 1020 West State Street in
17 Baden. First of all, I'd like to thank you for this
18 opportunity to speak tonight.

19 The past two evenings, I've had the
20 opportunity to attend the meetings in Potter Township
21 during which Shell experts repeatedly testified that
22 emissions from the proposed Shell cracker plant will
23 not have odors. What they did not say was whether or
24 not those emissions would be volatile or carcinogenic.
25 The omission was glaring.

1 In 2011, a Amnesty International press
2 release comments on Shell's commitment, or not, to
3 environmental concerns and to the rights of the local
4 population surrounding a Shell investment in Nigeria.
5 And I quote, the oil company Shell has had a
6 disastrous impact on the human rights of the people
7 living in the Niger Delta in Nigeria, said Amnesty
8 International, responding to a United Nations report
9 on the effects of oil pollution in Ogoniland in the
10 Delta region. The report from the United Nations
11 Environment Program found that oil contamination is
12 widespread and severe, and that people in the Niger
13 Delta have been exposed for decades. It has destroyed
14 livelihoods and food sources.

15 One of the most serious facts to come to
16 light is the scale of contamination of drinking water,
17 which has exposed communities to serious health risks.
18 In one case, water was found to contain a known
19 carcinogen at levels 900 times above the World Health
20 Organization guidelines.

21 The report revealed Shell's systemic
22 failure to address oil spills going back many years.
23 The UN describes how sites that Shell claimed were
24 cleaned up were found by UN experts to be still
25 polluted.

1 This report proves that Shell has had a
2 terrible impact in Nigeria, and has gotten away with
3 denying it for decades, falsely claiming they work to
4 best international standards. There is no solution to
5 the oil pollution in Niger Delta as long as Shell
6 continues to focus on protecting its corporate image
7 at the expense of the truth, and at the expense of
8 justice, end quote.

9 The report's finding also expose the
10 serious failure of the Nigerian government to regulate
11 and control companies like Shell. I would like to
12 believe that our government entities would be more
13 responsible in enacting and enforcing environmental
14 protection laws. And yet, the DEP is considering a
15 modification of its own regulations in favor of Shell
16 Oil.

17 There's an October 19th, 2016 report
18 from the U.S. Chemical Safety Board regarding the June
19 13, 2013 explosion and fire at the Williams Olefins
20 Cracker plant in Geismar, Louisiana, which killed two
21 workers and injured 167. The report concludes that
22 process safety management program deficiencies at the
23 Williams Geismar facility during the 12 years leading
24 up to the incident allowed a type of heat exchanger
25 called a reboiler to be unprotected from overpressure,

1 and ultimately rupture, causing the explosion.

2 The deficiencies had been going on for
3 12 years. Apparently, once petrochemical plants
4 become operational in our country, deficiencies are
5 tolerated to the point of becoming catastrophic. In
6 my research, I could find no incidences in which a
7 petrochemical plant was shut down over deficiencies.
8 We in Beaver County certainly need good paying jobs.
9 And we shouldn't be asked to sacrifice our air, water,
10 and health in order to obtain those. Thank you very
11 much.

12 CHAIR:

13 Thank you very much. On behalf of the
14 Department of Environmental Protection, I would like
15 to thank you for attending this public meeting and
16 public hearing this evening. This concludes the
17 public hearing. And I hope you have a safe trip home.
18 Thank you.

19 * * * * *

20 HEARING CONCLUDED AT 10:00 P.M.

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CERTIFICATE

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I hereby certify that the foregoing proceedings,
Chair Williams was reported by me on 12/15/2016 and
that I Juliette Hoffman read this transcript and that
I attest that this transcript is a true and accurate
record of the proceeding.

Juliette Hoffman

Court Reporter
Juliette Hoffman