

PUBLIC HEARING  
DANNY WEBB CONSTRUCTION UIC PERMIT RENEWAL  
PERMIT NUMBER 2D0190460

ORIGINAL

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TUESDAY, JUNE 4, 2013  
6:00 P.M.

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OAK HILL HIGH SCHOOL  
OAK HILL, WEST VIRGINIA

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Catherine A. Altizer  
Court Reporter  
and Notary Public

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**MEEKS REPORTING, LLC**

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**P R O C E E D I N G S**

MS. COSCO: Good evening everyone. My name is Kathy Cosco and I am with the West Virginia Department of Environmental Protection's Public Information Office. I would like to welcome you to the public hearing on the renewal of an Underground Injection Control permit currently held by Danny Webb Construction.

The permit that is the subject of tonight's hearing is for the disposal of brine and waste water associated with oil and gas drilling activities. This permit was originally issued in 2002 and has been renewed once. The applicant has applied for the renewal of the permit, which if issued, would be valid for five years.

Currently, this well is permitted to inject at a pressure of 796 pounds per inch into a depth between 2,643 feet and 2,692 feet, which is about a half of a mile or three times the clearance of the New River Gorge Bridge.

There are 65 Class II Disposal UIC wells in West Virginia. The state issued its first UIC well permit in 1988. Most are owned by drillers and used to dispose of the fluids produced in their own drilling operations. This well is one of 14 that are considered commercial wells, which means they take fluids from more than one oil and gas operators.

1                   With me tonight is James Peterson and Gene  
2 Smith from the DEP's Office of Oil and Gas. Dennis  
3 Stottlemeyer and Pam Nixon who is at this door, from the  
4 Environmental Advocates Office, and we have a court reporter  
5 with us tonight, Catherine Altizer. The purpose for a public  
6 hearing is to give you the opportunity to share your comments  
7 or information about the permit application with the DEP.

8                   Tonight's meeting is being recorded by a court  
9 reporter so that the comments you share can be taken into  
10 consideration and entered into the public record for this  
11 permit application. A decision will not be made this  
12 evening. The transcript will be reviewed and considered by  
13 the staff and those of you who signed and giving us your  
14 address, you will receive a letter once a decision is made.

15                   Because we are here to hear your comments and  
16 get them on the record, this is not a forum to engage the  
17 staff in open discussion or debate on the proposed permit.  
18 After those who wish to speak have done so, we will close the  
19 hearing and the record. If you have questions you would like  
20 to ask about the activity or what the permit allows, some of  
21 the staff will stick around to try to answer your questions.  
22 However, we cannot answer them during the hearing portion.

23                   To ensure that we successfully achieve the  
24 purpose of this meeting, we ask that everyone be respectful

1 and considerate of each other by refraining from using foul  
2 language, refraining from name calling, refraining from  
3 interrupting each other while they are speaking and keeping  
4 your comments on the topic of this permit so that our time  
5 together is used efficiently.

6 We know many of you may feel very strongly  
7 about the subject, so if you forget these guidelines we will  
8 politely remind you.

9 I will call you up in the order that we have  
10 received your name on the sign-in sheets. However, we do  
11 have a lady who has a presentation with a power point that  
12 she would like to share. Originally, I think she had seven,  
13 but she has agreed to --

14 MS. LITTLE: I'm not even doing the power  
15 point presentation. I'm just going to read off my notes.

16 MS. COSCO: Okay.

17 MS. LITTLE: There is no wifi -- I don't think  
18 I can.

19 MS. COSCO: Okay. Because she doesn't have  
20 wifi, she is not going to do her presentation. So, we have  
21 about 15 people who have indicated a desire to speak. Some  
22 who may choose to speak as we get further into this  
23 proceeding, so I'm going to try and ask everybody to keep it  
24 around five minutes. I will raise my hand when we have about

1 a minute to go, just to remind you wind it down, but I'm not  
2 going to push you off the stage right at five, we'll let you  
3 finish up your comments.

4 If you have written comments that you would  
5 like to submit in addition to your spoken comments, just hand  
6 them to me, or give them to us at the table after this  
7 meeting is over.

8 Does anyone have any questions?

9

10 (No audible response given by hearing participants.)

11

12 MS. COSCO: Then we will begin with our first  
13 speaker. And please forgive me, because I may not be able to  
14 read everyone's writing or be able to pronounce your names  
15 correctly. So please, forgive me if I botch it.

16 The first speaker I have signed up --  
17 actually, has a question mark and that is Sylvia Allen.  
18 Sylvia would you like to come up and speak?

19 MS. ALLEN: I choose not to speak at this  
20 moment, but may I speak later?

21 MS. COSCO: I'll mark you down as possibly  
22 later, yes.

23 MS. ALLEN: Thank you.

24 MS. COSCO: All right, the next one is Ronald

1 and Constance Payne. Would both of you like to come up? We  
2 have a microphone setup so that everyone can hear you better.  
3 Would you like to take advantage of that? Up here at the  
4 podium. Is that intimidating for you?

5 MS. PAYNE: Please forgive me if I don't sound  
6 right. I had a stroke here a couple of days ago. My husband  
7 and I own Auto Recycling. We have our oil and grease checked  
8 every six months. I have a letter here stating that none was  
9 detected and this is a month only. And I wish to submit one  
10 copy of it for the people. We help everybody that we  
11 possibly can. We do the best we can and we are all -- let's  
12 all get together as neighbors and be neighbors. That's all I  
13 got to say.

14 MS. COSCO: Thank you. The next speaker to  
15 express interest is Elizabeth Brown.

16 MS. BROWN: Later.

17 MS. COSCO: Later. The next speaker is Julie  
18 Archer.

19 MS. ARCHER: Good evening. My name is Julie  
20 Archer and I'm with the West Virginia Surface Owners Rights  
21 Organization and we are a big wide membership organization  
22 representing over 800 members in all the states oil and gas  
23 producing counties. Our organization educates its members  
24 and advocates on their behalf before all branches of

1 government on a variety of issues related to oil and gas  
2 development. We appreciate that the DEP honor our request  
3 and that of others to hold this public hearing to receive  
4 input on this UIC permits for renewal and hopefully answer  
5 questions in response to concerns raised by the public. We  
6 previously submitted written comments on the permit along  
7 with the Natural Resources Defense Council, so I won't go  
8 over all of them again here this evening, but I did want to  
9 restate our opposition to issue of this permit for the  
10 record.

11                   Specifically, we believe that the application  
12 for renewal of this UIC permit by Danny Webb Construction,  
13 Incorporated, is a significant concern about the fitness of  
14 the company to operate a facility which handles toxic waste.  
15 It also calls into question the adequacy of the state  
16 oversight of Class II Underground injection control well and  
17 associated facilities given the multiple violations and non-  
18 compliance with state orders by the company, which is  
19 detailed in our written comments.

20                   The history of this site raises questions  
21 about whether the DEP has authorized continued activity  
22 potentially putting the public at risk to despite indications  
23 that the operator may have regularly violated the agency's  
24 order and unless or until the DEP can insure public safety

1 and full compliance that is required that the site be fully  
2 remediated and permanently closed. We believe there is  
3 evidence that the DEP ignored the history of this site with  
4 issuing previous permit renewal to this company and we  
5 encourage the DEP to use this case and to reassess its  
6 oversight of the UIC program and all oil and gas waste in the  
7 State of West Virginia.

8           Additionally, given the history of the  
9 problems at this site and indications that activities  
10 associated with the injection wells and the adjacent pits  
11 continued to oppose environmental and potential health risks,  
12 the DEP should deny the application, unless and until it can  
13 ensure the public that the site does not pose a hazard. We  
14 thank you again for holding this hearing to allow additional  
15 time for consideration, take input and public concern and we  
16 appreciate the opportunity to comment. Thank you.

17           MS. COSCO: The next speaker that I have  
18 signed up is Matt Wender.

19           MR. WENDER: My name is Matt Wender. I'm  
20 President of the Fayette County Commission. I should make it  
21 clear though that the comments that I have this evening are  
22 mine as an individual. The County Commission is certainly is  
23 not taking any action or position on this.

24           I would like to first thank the DEP for



1 holding this hearing in Oak Hill. We welcome the opportunity  
2 to address our many concerns. However, while the hearing  
3 today is in the matter of this permit renewal, this hearing  
4 in large part is just as much about the integrity and  
5 objectivity of the DEP and your ability to sit as judge and  
6 jury.

7 Fair or unfair, it's often observed that is  
8 what is expedient, efficient, and profitable for the energy  
9 industry will most often dictate the permit outcome of the  
10 DEP. When the DEP is lacked in their enforcement or  
11 rulemaking of the coal industry it often results in lost men  
12 hours or even worse a Sago or UBB, where lives are lost,  
13 sudden, and tragically known immeasurably.

14 Allowing the use of toxic chemicals when less  
15 caustic agents are known to be effective and lack of  
16 enforcement and disposable of fracking fluids, unlike lax  
17 oversight in the coal industry, these consequences may not be  
18 immediately noticeable and, in fact, may take many years to  
19 manifest themselves in unhealthy outcomes. When adverse  
20 health related issues are suspected the decision makers often  
21 conveniently hide behind terminology, like lifestyle choices  
22 or unproven science or other contributing factors. Fayette  
23 County's economy in large part is based on recreational uses  
24 of clean water. But far more important is the essential life

1 itself nothing is more basic to life than clean water.  
2 Today, we are following that same worn path where there is a  
3 clear example of a low operator demonstrating his arrogance  
4 towards the rules and enforcements whose application is being  
5 judged by the DEP who sees little urgency in this matter,  
6 having already allowed that company to operate on expired  
7 permit for almost nine months. Contrary to the decision you  
8 make regulating the coal industry, a bad decision today on  
9 this permit is not reversible by a change in policy tomorrow.  
10 The consequences of your actions will outlive us and perhaps  
11 more importantly they may well outlive the generations that  
12 follows us. Thank you very much.

13 MS. COSCO: Dr. John David.

14 DR. DAVID: Hey folks, I'm John David. I'm a  
15 Commissioner for the Page-Kincaid Public Service District.  
16 And I want to say this that in the 70's when we formed the  
17 PSD, I'm a founding member of the PSD. And we were looking  
18 for where to get the water supply to come to us, but a  
19 massive water system for a large portion of Fayette County  
20 had currently by the way, we serve four percent of Fayette  
21 County. We touch Fayetteville; we had 40 miles of pipe, et  
22 cetera. We looked at various sources of water. We looked at  
23 Minden and the PCD's and the super fund site and we just  
24 decided, no, we didn't want to get river water. We didn't

1 want to have water from the New River or the Kanawha River.  
2 We looked at David Francis Princess Mining operation in  
3 Hillebrand and said no, we didn't want mine water. We didn't  
4 know what was in the mines, various equipment; various  
5 residuals in there, et cetera. We looked at the lagoons.  
6 No, we didn't want that because in the spring, AEP sprays, et  
7 cetera. So we hired a consultant company to come in,  
8 Glamroll Associates to take a look at deep wells and  
9 currently we're probably one of the only systems around that  
10 gets our water supply from aquifer deep wells and we are  
11 pumping water as said to a large portion of Fayette County.

12 Now, my concern or our concerns are as follows:  
13 basically, we and no one has yet determined where this  
14 aquifer is. It goes all over the place and it's basically  
15 not an underground river, stream, or lake. It's in rocks,  
16 it's here, it's there, you know, it's basically, where we get  
17 the water from is very undefined interesting process, but we  
18 do pump from the deep wells and we are concerned, as I hope  
19 you understand that what might be affecting now, you know,  
20 the water supply that comes from deep wells and the aquifer.  
21 We know that water can be pumped out or comes down from  
22 various sources. I mean, those folks in this room who have  
23 been to Dog-N-Chapel know that water for years there spewed  
24 up in the air for 20-50 feet. Iron water came from the

1 mines, it just pushed up -- it's pushed up because basically  
2 what goes down, you don't know where it goes and sometimes it  
3 stays down, sometimes it might come up and that's -- you  
4 know, that's what happened there. We are in Dog-N-Chapel and  
5 the Dog-N-Chapel mine, the Dog-N-Chapel water comes from the  
6 New River Company workings. The New River Company Workings  
7 was a firm that mined coal throughout this area and so we are  
8 aware that our water supply is a major factor.

9           Our concern is contamination. We are not willing  
10 and able to deal with having a contaminated water supply. We  
11 do not know how to test whether or not there is contamination  
12 that's going to be taking place of our water supply. We  
13 don't have the money to deploy various techniques to kind of  
14 look for indicators of whether or not something has entered  
15 the aquifer that we have water coming from. We don't know  
16 if, in fact, the ejection and some of these fluids maybe  
17 coming from Braxton County or different places where they had  
18 some earthquakes recently and other places in Ohio and other  
19 places around the country have had disruption of rock and you  
20 know, turmoil, et cetera. Whether or not, if there is going  
21 to be something like that that happens here, whether or not  
22 the rocks we move around and our aquifer which is in the  
23 rocks, as I said, will all of a sudden not be there anymore,  
24 because it will be diverted to another direction, another

1 place. So these are real concerns that we have about  
2 anything that is going down and for us, you know, common  
3 sense you know, if it goes down, you don't see it then it  
4 must be fine and good and all that sort of thing, but  
5 actually I think, you know, we have to be real, real  
6 concerned about where it's going. What's happening to it?  
7 What it is and where it might seep this way or seep that way.  
8 Whether or not the pipes or the wells might leak, rupture,  
9 crack, et cetera, and since we are right now on top or not on  
10 top of, but we are part of that full area that these two  
11 wells are you might say are a part of, we are a little  
12 concerned.

13           If you approve this then we would like bond -- we  
14 would like to have some funds, a sinking fund so to speak,  
15 set aside so that if our water supply for the purpose and the  
16 Fayette County population is suddenly -- all of a sudden  
17 contaminated that we can have some funds to be able to figure  
18 something out. We would like to have some funds for testing  
19 the water over and beyond what we normally do. That's an  
20 expense that we don't think the low income people up in  
21 Fayette County that we serve should have to bear on top of  
22 everything else to have to take care of. So those are  
23 concerns that we have and if approved we would like those  
24 considerations. Thank you very much.

1 MS. COSCO: Michael Reiks. If you would, sir,  
2 when you get to the microphone can you state your name for  
3 our court reporter, since I don't --

4 MR. REIKS: It's Reiks.

5 MS. COSCO: Reiks?

6 MR. REIKS: Yes.

7 MS. COSCO: Thank you.

8 MR. REIKS: Hello, my name is Michael Reiks.  
9 Unfortunately, I didn't prepare a statement because sadly I  
10 only recently found out that this hearing was being held  
11 today, just a few short hours ago. I had read when Danny  
12 Webb Construction history in the Laurel Creek project and I  
13 was deeply disturbed by it and it would highly suggest the  
14 DEP take into consideration of Danny Webb's history of DEP  
15 violations. From 2004 to 2007 they have been fined about  
16 five major violations on one site on this area. Since then  
17 you can go out to the site now and there's evidence photos of  
18 it on their website, which is [dirtywaterwestvirginia.com](http://dirtywaterwestvirginia.com) that  
19 shows a lot of spilling. It's dirty, red, contaminated water  
20 going in. Obviously, it's not good. It's going into all of  
21 our water supply.

22 I have been a resident of Oak Hill since I was four  
23 years old and I've lived in the same neighborhood since then  
24 and what's weird is the last few years I've noticed a lot of

1 my neighbors raising levels of cancer. As a matter of fact,  
2 my parent's next door neighbor, he just came down with  
3 cancer. The guy has never smoked, never drank, and lived a  
4 good clean life and a lot of people on my street alone,  
5 coming up more and more cancer raises. Something, you know,  
6 the other day we were talking about it, you know, it's like  
7 must be something in the water and low and behold you see  
8 pamphlets that say there maybe something in the water. You  
9 talking about possibilities of radium, you know, that's  
10 cancer stuff. This is slowly turning into Erin Brachovich.  
11 There is something deeply disturbing with this and I would  
12 heavily suggest that the DEP to take all of this into  
13 consideration.

14 Deny this thing, don't let it go, I mean, because  
15 what's the cost of doing business over the cost of a life,  
16 you know. Okay, so Fayette County makes money that's great,  
17 you know, the people suffer that's not right. And I find it  
18 disturbing that, you know, the Fayette County Commission  
19 didn't take that in consideration. However, I would -- I  
20 totally praise Mr. Wender for his comments. He hit the nail  
21 on the head. He said everything that I would love to say.  
22 You know, we need more people like that to stand up for us  
23 and like I said, just take all of this into consideration.  
24 Please, deny that. We don't need it if it's contaminating of

1 even if it's suspected to be contaminated, don't put that  
2 stuff here. We don't need it. What's the cost of it?  
3 That's all I got to say, thank you for your time.

4 MS. COSCO: At this moment if I could, I would  
5 like to ask if you have a cell phone, please, put it on  
6 silent or turn it off and if you get a call, if you would  
7 please step outside and take that call. It's kind of  
8 distracting for us. Ms. Rayhall if you would like to come  
9 and speak next? Would you state your name for the court  
10 reporter?

11 MS. RAYHALL: Do you think -- can you all hear  
12 me?

13 MS. COSCO: Okay.

14 MS. RAYHALL: Thank you for having this  
15 hearing, I appreciate it. First off, I just want to tell you  
16 the only reason that I'm here is because I'm a mom, I have  
17 kids. I don't know Mr. Webb. I don't know any of the  
18 employees there. I don't have anything against anybody, I  
19 just want to point out some major concerns that I have. The  
20 only reason this came to my attention because I started  
21 hearing about a lot of kids in the area getting sick. A lot  
22 of people that have kidney problems, liver problems, kids  
23 that have -- so I just decided to do what I can to find out  
24 what's going on. By doing a little bit of research I found



1 out that the waste that is being brought in to Lochgelly, the  
2 drilling fracking waste water, that waste is actually very  
3 toxic. Just something that one test out of dozens, the  
4 barium level is and I don't even want to go into numbers, but  
5 the barium level is extremely high. The magnesium is  
6 extremely high. The benzene level is extremely high. It's  
7 all above the safety limits for the EPA. Toluene is  
8 incredible high; it's in the hundreds, well above the safety  
9 limits by the EPA. These are things that cause cancer and  
10 liver problems, kidney disease. There are a lot of things  
11 like endocrine disrupters that make your organs not function  
12 as they should. The chloride is just way off the charts;  
13 it's up to 36,200 milligrams per liter. These are things  
14 that you definitely don't want in the air or in your drinking  
15 water supply.

16 Now, this is just an older test result that I found  
17 in the FOIA document that was provided by the West Virginia  
18 DEP, okay. Recent test results that were conducted by Brake  
19 Laboratory, because PAN, Plateau Action Network, got involved  
20 and decided to test Wolfe Creek water, the head waters of  
21 Wolfe Creek. The stream itself had extremely high strontium  
22 levels, extremely high glycol. Glycol is a manmade chemical.  
23 There is no reason in the world that glycol should be in our  
24 creeks -- Wolfe Creek. I spoke with a professor at Penn

1 State, Connell, Duke University, WVU, Dr. Paul Ziemkiewicz,  
2 he's a big researcher at WVU and he knows all about this  
3 stuff, and I sent him a copy of all this lab results and he  
4 said he definitely has contamination in this creek water --  
5 Wolfe Creek has glycols and elements that definitely don't  
6 belong there, but it's used in drilling waste. It's a common  
7 element that used in the drilling process. So the chemicals  
8 being hauled in that gets dumped into the sediment pits. We  
9 are led to believe either the sediment pits are leaking or  
10 the injection roll is leaking, because there's some reason  
11 glycol and very high levels of bromide is getting into the  
12 creek water. So just to summarize: diethylene glycol that  
13 was extremely high, monoethylene glycol was extremely high,  
14 triethylene glycol was extremely high. And there is  
15 absolutely no reason in the world for those chemicals to be  
16 in our creek, other than drilling waste, okay. I've had a  
17 dozen different people tell me this.

18 The other thing that was pointed out to me was the  
19 fact that the level of chlorine was extremely high. If 301  
20 milligrams per liter and bromide especially that was the  
21 biggest red flag to a lot of people, other than the glycol.  
22 Bromide was 2.30 milligrams per liter. The thing that you  
23 want to know about bromide is that it is also something that  
24 is brought up with drilling waste water. When they drill for

1 natural gas, waste water, the flow back water comes back up  
2 with bromide. That is a very salty brine, but it's not  
3 harmful if it's just left by itself, but when this water  
4 interacts with our chlorine at the water treatment plant, it  
5 turns it into trihalomethane, T-H-M and I'll just read what I  
6 have here. The Federal ETA states a limit for  
7 trihalomethane, its 80 micrograms per liter for parts per  
8 billion. Excuse me, its 80 -- yeah, micrograms per liter.  
9 THM's are for sanitary byproducts of chlorine treatment of  
10 water containing bromine and organic matter. Bromine is a  
11 salty substance found deep underground in the Marcellus Shale  
12 area and is commonly found in fracking waste water at  
13 extremely high levels. The problem that exists is when  
14 bromine is filtrated the formation of brominated  
15 trihalomethane also known as THM's when it is exposed to  
16 disinfectant processes such as chlorine in water treatment  
17 plants. THM's -- the Federal EPA Safety standard for THM's  
18 is 80 and keep that in mind, 80 micrograms. The THM's are  
19 volatile organic liquid compounds. Studies show a link  
20 between ingestion of and an exposure to THM's in several  
21 types of cancer and birth defects. Several studies show that  
22 bromine levels in creeks and streams have increased  
23 drastically in recent years near hydraulic drilling  
24 locations. The Federal EPA has not yet set a safety standard

1 for bromine, but some researches suggests a maximum level of  
2 100 micrograms per liter. What I want you to know is the  
3 head waters of Wolfe Creek were sampled by Plateau Action  
4 Network and tested in April, which was only a month or so  
5 ago. The bromine level was 2.3 milligrams per liter. That  
6 equals to 2,300 micrograms per liter. The Federal EPA safety  
7 limit is 80 micrograms per liter. So you are talking about a  
8 lot of bromine in our creek water for absolutely no other  
9 reason than drilling waste, okay. So this is creating a huge  
10 problem and we have to be aware of what is going on. I have  
11 a copy of water tests results from another location and in  
12 some cases, you know, when our water gets tested our state  
13 doesn't really test for bromine at all. They do test for  
14 trihalomethane and it's done once every three months from  
15 what I understand, and some of the levels that are coming  
16 back with for our drinking water supply from the New River,  
17 it's over 100, okay. The Federal safety limit is 80, but  
18 some of our test results are coming back at over 100, okay.

19 MS. COSCO: You are at seven minutes.

20 MS. RAYHALL: Do what?

21 MS. COSCO: You are at seven minutes.

22 MS. RAYHALL: Oh, okay. I'll try and hurry.

23 Some of the main issues that I have regarding this is the  
24 fact that, you know, just knowing that. I looked up your

1 FOIA documents and read over some things and I know some of  
2 the people in Lochgelly now. And I know that Brad Keenan in  
3 2007, he had submitted video of showing the sites and  
4 actually showing waste water, you know, the pollution in the  
5 water, but he also came forward, took the time and spent a  
6 lot of money on the water testing and showed that there was  
7 high levels of diesel in the creek water back in 2007.  
8 Diesel is directly related to fracking waste as well. And  
9 any time I think that you had the opportunity in 2007 to say  
10 no, we need to look into this, this water could be  
11 contaminated with fracking waste and knowing that you chose  
12 not to, I mean, I just rips my heart out, because I know all  
13 the kids out there are having trouble and even a lot of my  
14 neighbors are sick. You know, I just wish that you all had  
15 taken this into consideration, because honestly some of this  
16 stuff should not go on here.

17 I'm not even going to go into all the violations  
18 that the NRDC pointed out to you. There is a long list, a  
19 long letter that you received it from the Natural Resources  
20 Defense Counsel and it expressed their concerns mainly over  
21 the issues with all the air pollution that is going on.  
22 Also, the fact that in -- there was one case where the sulfur  
23 odors were reported by residents who raised concerns and they  
24 were found to be hydrogen sulfite, a poisonous and a

1 flammable gas. I mean, I guess a million things. The main  
2 thing that I want you all to know is this. Let me get my  
3 notes here. I sent a copy of this letter to also someone at  
4 cancer research in different areas and one of them actually  
5 wrote a nice statement for me to read to you guys. And this  
6 is from Dr. Michael Hendricks, he knows a lot about drilling,  
7 a lot about coal mine issues as well is considered one of the  
8 top researchers, cancer researchers for the State of West  
9 Virginia. So he read the test results and asked me to read  
10 this. "My name is Dr. Michael Hendricks. I'm a professor in  
11 the School of Public Health at West Virginia University. I  
12 am concerned about the disposal of waste water from hydraulic  
13 fracturing activity in Lochgelly, West Virginia. These waste  
14 fluids are being held near residential areas including  
15 schools and pose a risk for both air and water pollution that  
16 can affect human health. Fracking waste water contains  
17 numerous chemicals that are used in the extraction process  
18 and that are brought up as recovered water from deep under  
19 earth -- underground. Some chemicals used in fracturing or  
20 fracking are recovered. Some of the chemicals used in  
21 fracturing or recovered from underground are known to be  
22 harmful if people are exposed to them. These include  
23 ethylene glycol, which was definitely found in Wolfe Creek by  
24 the way, methanol, diesel products, which Brad Keenan had

1 pointed out to you in 2007, diesel products, strontium that  
2 was also found in Wolfe Creek and several others. The EPA  
3 has identified at least 27 chemicals that are used in  
4 hydraulic fracking formulas that are known to be hazardous to  
5 health. There are hundreds of other chemicals that are used  
6 in these formulas that have unknown health impacts. The  
7 possible health effects of all these chemicals are not  
8 understood, but we cannot assume they are safe if their  
9 effects have not been investigated. If fluoride or bromine  
10 from hydraulic fracturing waste water comes into contact with  
11 drinking water sources they may interact with normal drinking  
12 water treatment systems to form a brominated disinfection  
13 byproduct, which at high exposure levels are carcinogenic and  
14 are harmful to human health, as well as the reproductive  
15 harmful to normal reproductive development." He says, "From  
16 a public health perspective because we don't know what harm  
17 might result from exposure to this complex mixture of  
18 chemicals, some of which are known to be harmful to human  
19 health, it is prudent and appropriate to immediately stop  
20 disposing of this waste water close to places where children  
21 and other people live." This stuff does not belong anywhere  
22 near our communities and I'm really asking you to stop. I  
23 want you to take this into consideration this time. You  
24 didn't in 2007; I'm literally begging you to stop bringing

1 that stuff here. For the sake of kids, there are a lot of  
2 kids that need your help.

3 MS. COSCO: Thank you, and --

4 MS. RAYHALL: I just want to point out one  
5 other thing. In case you guys aren't aware of this, I went  
6 to the West Virginia State Capitol and spoke with several  
7 legislatures and senators, they explained to me that the  
8 State Legislature passed a state law that prohibits the  
9 public from knowing exactly what chemicals are in hydraulic  
10 fracking. What do you all think about that?

11 SPEAKER: It's all bull crap.

12 MS. RAYHALL: Because not only are you people  
13 --

14 (PARTICIPANTS SPEAKING OUT OF ORDER)

15 MS. COSCO: Excuse me. Ma'am, I need to have  
16 you step down.

17 MS. RAYHALL: Fine.

18 MS. COSCO: You have taken twice -- more than  
19 twice your time. You need to step down.

20 MS. RAYHALL: I just want you to consider our  
21 children and or families.

22 MS. COSCO: Ma'am. We need you to step down  
23 in consideration of the rest of the people who is speaking  
24 tonight. Thank you. Okay. Our next speaker is Paul Brown.



1 MR. BROWN: My name is Paul Brown. I'm a  
2 retired State Electrical Inspector in and around the coal  
3 mine. I'm a third generation coal miner. My great-  
4 grandfather, my grandfather, and myself were all coal miners.  
5 I'm proud to be a coal miner, but I am not proud of what the  
6 DEP is doing to our drinking water. And what I want to say  
7 to you folks is, what we sow now, we reap later and it is  
8 much more just like a farmer. He puts out a bushel of grain  
9 and he gets out an acre of reap. Now, what you want to let  
10 go we are going to reap sometime later. You and all of our  
11 government people and my question to you is this. If this is  
12 so important and this water is so safe then what I think we  
13 need to do is fix every one of you guys including all of our  
14 government officials a five -- a half of a million gallon  
15 tank filled with this stuff, disconnect all the water from  
16 anywhere and not allowed to drink any bottle water and drink,  
17 bathe and cook and serve your guests ice water in this.

18 SPEAKER: Amen.

19 MR. BROWN: That's what I want to see you do.  
20 And I want to see our so called governor and our so called  
21 government officials in Washington, let's see them stand up  
22 and drink this stuff that they tell us it's safe to drink.  
23 They have passed a law like she said, that they won't tell us  
24 what's in there because I'll tell you why they won't. They

1 don't have the guts to do it, because they know they are  
2 killing our own people. But the problem with that is they  
3 are killing themselves. Am I threatening them, no. I'm  
4 telling them what this is going to do to their families as  
5 well as all of the rest of our families. My wife is a two  
6 time cancer survivor, which I think and praise the Lord she  
7 has lived through it two times.

8           Fayette County at one time was the leading  
9 county in the state for cancer, so are we going to keep this  
10 kind of rate up, people. You people, are you going to stand  
11 there and say it's all right. As a state electrical  
12 inspector, yes, I took cussing's from people. I had people  
13 call me all kinds of names and you know what I looked at them  
14 and said, I said I'm 6 foot tall and I'm 250 pounds, I've got  
15 big shoulders and I've got big feet, but there's one thing  
16 that I can't do. I can't go to your house and tell your  
17 family that you are not coming home. I don't want to do  
18 that. I had to do that. I don't want to ever do it again.  
19 I hope you people never have to do it. I hope our government  
20 officials never have to do it, which they won't do it. They  
21 don't have the guts to do it with. And this is -- right here  
22 is a book called Plundering Appalachia and I know it's going  
23 to be hard for all of you to see, but right here is what our  
24 government, Don Blankenship allowed them to pump into the

1 mine and this is the drinking water that is just as orange as  
2 it can be coming out of this guy's spicket at his house. And  
3 this EPA, you people let it go on. Nobody said oh Don, you  
4 can't do that, huh-uh. Right here's what said you can do it,  
5 right there. Now, so we -- our government talks out both  
6 sides of their mouth. It says they want tourism. How many  
7 people want to go across that State Park and drink water like  
8 this? Or do you want to go to Hawk's Nest State Park and see  
9 this right here (indicating). This is what brings our dollar  
10 bills in. This is what brings your life; all of our lives to  
11 a wonderful end, when we get to the point that God says it is  
12 time for us to die. Not, to die early. So I'm saying to  
13 you, when you let these things go from now on, what you sow,  
14 you will reap, and you will reap more than you sow and I  
15 don't want your families to have to go through this. I don't  
16 want your families to go through cancer and all kinds of  
17 crazy weird diseases that I have went through with my wife.  
18 I don't want that to happen to no one. So I'm asking you,  
19 stand up and have the guts to look at the governor, the  
20 senator, whoever he maybe and say no, we are not going to do  
21 it. I had to do it. I had to look at a governor and said  
22 no, I will not turn my back on safety that will cause people  
23 to die. You may want to fire me, you may want to do whatever  
24 you want to do, but I said, no. You can fire me, you can do

1 whatever you want, but I'll stand up and look you right dead  
2 in the eye. And I'm saying to you people, please, don't do  
3 it because it's your families as well as it is everybody's  
4 here and everybody in the United States. Everybody in the  
5 world, because the people come here to see our beautiful  
6 state, but it is not going to be beautiful when we get  
7 through blowing the mountain tops off. And one other thing  
8 and I'm through. You cannot take a TV, a computer, or any  
9 kind of electronic device and take it to the landfill and  
10 throw it into the landfill. They charge you \$25.00 for it  
11 and they put it in a special place and supposedly they send  
12 it off somewhere to be whatever they do with it, I don't  
13 know. So if that has heavy metals in it and that's what they  
14 say is the reason for you can't put it in no landfill, now  
15 why are we taking these heavy metals out of the earth and  
16 exposing them to other chemicals that we use for making our  
17 drinking water safe and we are trying to say it's okay. Now,  
18 we got to say one of two things, you know, either way. Here  
19 just me or we are outside playing a ballgame, which one are  
20 we doing? We are to be here and we are to be heard and we  
21 want to be heard and we want you people to stand up and be  
22 men and woman enough to look -- I don't care what government  
23 official it is, look them in the eye and so no, you are not  
24 going to kill yourself and your family and you are not going

1 to kill us. And I thank you.

2 MS. COSCO: Tom Omley or Oxley?

3 MR. OMLEY: It is Omley.

4 MS. COSCO: Omley?

5 MR. OMLEY: All right. I'm going to brief; I  
6 wasn't even really going to speak. I think the last time  
7 that this came up for renewal is the -- you may look back on  
8 the records, I was very adamant against it. Shortly after  
9 that process and it's no secret I had some employees of the  
10 company threaten my life. So this time, I took kind of a  
11 side track and kind of stood back on the sideline. As far as  
12 being neighbors, I know some of the employees that work with  
13 Danny Webb and I know there are some good neighbors, so it's  
14 not about just being neighbors. It's about whether we, as  
15 neighbors, have to drink and eat and do all of that stuff.

16 Well, all I'm saying is what can you say after the  
17 last gentleman that spoke. You have a job and I think the  
18 job is difficult, but it's more difficult when you do the  
19 right thing. So, that's all I have to say. Thank you for  
20 your time.

21 MS. COSCO: Beth Little.

22 MS. LITTLE: I'm Beth Little, and I'm with the  
23 West Virginia Chapter of the Sierra Club. Much of what I  
24 have regarding the Webb permit is questions. Some of which

1 may have been answered, if we had been provided the fact  
2 sheet we requested. 40-CFR-145.8 says, "A fact sheet shall  
3 be prepared for every draft permit or a major HWM-UYC-404 or  
4 NPDES facility or activity and the list goes on. And for  
5 every draft permit which the director finds is a subject of  
6 widespread public interest or raises major issues. The fact  
7 sheet shall briefly set forth the principal facts and the  
8 significant factual, legal, mythical, logical and policy  
9 questions considered in preparing the draft permit. The  
10 director shall send this fact sheet to the applicant and on  
11 request to any other person." I requested this fact sheet,  
12 but it was not provided. 47-CSR-13.13.27.D says "The public  
13 comment period under paragraph 13.24.B.1 shall automatically  
14 extend to 10 days after the close of any public hearing."  
15 I'm again requesting that the fact sheet be provided and that  
16 the 10 days extension be honored, so that any additional  
17 comments as a result of the fact sheet can be submitted. I  
18 am submitting a DVD with video taken at the Webb facility to  
19 substantiate some of my comments. There are several ways  
20 that Danny Webb is in violation of the law. The site has no  
21 security. One of the videos I'm submitting shows the gate  
22 standing open, while several trucks, tankers, and pickups  
23 drive in and out and an ATV goes through. Even if the gate  
24 is closed, there is a bypass for smaller vehicles that would

1 stay open and because the side is not fenced a person could  
2 walk into this site from any direction. The pits were not  
3 constructed according to engineer specifications. Seeps from  
4 the side of the pits have killed all vegetation indicating  
5 toxic ingredients. There is orange staining and the creek  
6 below runs bright orange. The claim that this is due to acid  
7 mine drainage does not explain the high, extremely high  
8 chloride content, the presence of glycol and benzene in the  
9 test results or the petroleum like film on top of the creek  
10 that does not break up when touched. Even if it were acid  
11 mine drainage this should not be allowed to be discharged  
12 into the waters of the state. Another of my videos will show  
13 that the freeboard of the pits is less than the two feet that  
14 is required by the DEP regulations. Local residents report  
15 that the pits have overflowed. They have also reported  
16 noxious odors and there are reports of hydrogen sulfate gas  
17 laminating from the pits. One of the storage tanks has no  
18 containment and due to the mere other ways that Webb's site  
19 is not in compliance, we would like an independent inspection  
20 of whether there is adequate containment for the other tanks.  
21 Remaining questions, why is Danny Webb allowed to have pits  
22 when other underground injection wells have only tanks. Are  
23 there forms for the five year period of the permit that was  
24 renewed in 2007 and a source list required by the 2007

1 permit? If so, why have they not been provided at our  
2 request? It is an outrageous further violation of law that  
3 Danny Webb is allowed to continue operating without a permit  
4 and while in violation of the DEP regulations. He should be  
5 shut down and not be granted a permit until these or while  
6 these violations persist, not on the promise that he will  
7 sometime down the road correct the violations, but after the  
8 violations have been fixed and the pits should be removed.  
9 Thank you.

10 MS. COSCO: Jason -- I can't read your  
11 writing. Cameron?

12 MR. CAMERON: Hello, my name is Jason Cameron.  
13 I've actually been an employee for Danny Webb, off and on for  
14 eight years. The whole time that I have been there Danny  
15 Webb, -- every time something that has come up, issues arose,  
16 he's always went above and beyond trying to repair the issue  
17 and try and fix the problem. Danny Webb has always treated  
18 me and my family with the upmost respect. That is our source  
19 of income. That's our source of our livelihood. Every time  
20 this comes up, a bunch of questions gets answered, a bunch of  
21 questions gets asked. We do our best to try to fix the  
22 problems if there is one, which we do our best to fix  
23 everything that goes on and we are in compliance with what  
24 the state asks us to do, even if it's something that they



1 don't request us to do, we go above what we need to do to fix  
2 it. I just wanted to state this from the bottom of my heart,  
3 because I am an employee there, my family depends on this  
4 job. This job also doesn't just affect my family; it also  
5 affects all of you all. Every time you turn a light on,  
6 where do you think the power comes from, it comes from the  
7 coal mine -- or not the coal mine, but power producing  
8 plants. Most of the power plants burn coal, but they also  
9 burn natural gas. Where does that gas come from the ground?  
10 The only way they can get to that gas, they got to drill it.  
11 They have to frack it, that water comes up, that water has to  
12 go somewhere and at our facilities it gets processed, it gets  
13 filtered, and it goes back down into the ground cleaner than  
14 what it ever did when it comes back up. I just wanted to  
15 state that for the fact. I want all of you to know, all this  
16 stuff going on, people are going by hearsay and they see what  
17 they see. I work there, a lot of problems that you are  
18 arising, because my family also -- we've lived there. We  
19 live not far from this depot. I've lived there my whole  
20 life. None of these problems are affecting us. We live in  
21 really close proximity. I just want to state out there  
22 because everyone is concerned about health risks. I've got  
23 little ones, too. I let them play up there. He has even  
24 built a pond up there in case we wanted to go up there and

1 fish up there, you know. There is nothing going on there  
2 that shouldn't be. And every time we have an inspection they  
3 came and check us out. I just want to state for the fact  
4 that he was been very good to me and he's been very good to  
5 my family, and he has gone above and beyond, which should be  
6 done. Thank you.

7 MS. COSCO: Timothy Totombs?

8 MR. TOTOMBS: Yeah. I probably couldn't make  
9 it up to that podium. I just want to say I also work with  
10 Danny Webb Construction. I don't currently now. I have  
11 before and I also do live in that hollow as were Danny Webb  
12 Construction is based. I mean, I drink out of them creeks,  
13 I've done that my whole life. I've never been sick and  
14 neither have my kids. I mean, my whole life I've been in  
15 that hollow, from a child all the way up to now, I've never  
16 been sick and my kids have never been sick. I work there.  
17 I've handled all of that stuff, I've did everything. I've  
18 never been sick. I've never passed anything to my children  
19 or my family or anything like that. And also, anything that  
20 has ever been raised out there -- had to be done up there,  
21 had to be fixed through the ordinance, it's always been taken  
22 care of. You know, if there was a reason, you know, it's  
23 been taken care of. Thank you.

24 MS. COSCO: Okay. Can you state your name?

1 MR. HALVERSON: Halverson.

2 MS. COSCO: Halverson?

3 MR. HALVERSON: Peter.

4 MS. COSCO: Peter Halverson?

5 MR. HALVERSON: Yeah.

6 MR. COSCO: Okay. Can you step to the  
7 microphone, please?

8 MR. HALVERSON: Can you hear me? I don't  
9 think anybody here has to say what I do. Don't hold it  
10 against me, because I going to tell you what has happened. I  
11 want you to know. I'm dying myself, okay. Inflammatory  
12 debilitating polyneuropathy. It cannot be cured. It ain't  
13 going to go away. Danny Webb, I talked to him about it and  
14 he said okay, we'll work something out when it comes time.  
15 When it comes, time. Time came. It came time. Well, three  
16 strikes you're out. Nobody told me. I've listen at -- well,  
17 I done what I was told to do. Sometimes I got to hold my  
18 throat and my nervous system, because they can't cure your  
19 nervous system. They can cure breast cancer. They can cure  
20 a lot of things. There's a very few rare treatments, and the  
21 doctor told me, what I have, I'm been improperly diagnosed to  
22 start with from the Social Security administration. They  
23 sent me to one doctor, they failed to find out what was  
24 wrong, okay. I helped build that pond, from nothing. I

1 helped him, he told me what to do. He's the boss, he knows  
2 what we are supposed to do, that's what he told me. "What do  
3 you want me to do," I said. "Why don't we start with the  
4 truth," he said. The man said it right there, (indicating)  
5 you will reap what you sow. It's right on the head. For  
6 three damn days I was in the hospital, the only way they  
7 would let me out of there was if I found out something. I  
8 was lost and people just left me behind. We are getting left  
9 behind. We are getting used. We are getting used by the big  
10 companies. And I'm registered as being the assistant manager  
11 of that well. I've been shot in the eye with the stuff and  
12 never been told until it was brought to my attention that I'm  
13 going blind. All these guys sitting there -- stand up, if  
14 you want the truth then stand, but don't go and let them do  
15 nothing to you. I just told them the other day and Danny  
16 told me what I was supposed to do. Now if it's starting to  
17 seep close to the creek, they just put in a new liner.  
18 New liners in, they want to know where are the old liner is,  
19 it's underneath the new one with all that black sludge. Just  
20 like Mr. Cameron said, because we need a job, to feed our  
21 families. Don't hold it against me, I didn't do nothing but  
22 what I was told to do. From day one, Danny Webb was the one  
23 who told me what to do. Like the man said, that it's all  
24 going somewhere because we are getting left behind.

1 I'm going to lose my sight and there isn't anything anyone  
2 can do. I can't pretend that someone didn't know. I was a  
3 truck driver for them and I am talented. I've worked many  
4 jobs. Now I'm telling you to tell someone.

5 My brother-in-law works in the gulf. Working in  
6 drilling in the Gulf of Mexico on an oil well, he wears a  
7 suit to be protected. I don't wear a suit. I get drenched  
8 from head to toe. All your pores are open because you are  
9 sweating, how are you going to protect yourself from that?  
10 What happens when we cool down? It closes our pores up with  
11 all that inside us. I don't know how long I'm going to live.  
12 The doctor says I'm dying, to my face. But the honest true  
13 friends know the truth, if you think I'm lying stay seated.  
14 I'm telling you the truth. One of my best friends is real  
15 upset and he is sitting here and he is real sick. I know, he  
16 always said telling me what I had how bad it's going to be  
17 when it hits him. He won't be able to speak.

18 I'm registered as being the assistant of that well.  
19 I've been told I have Worker's Comp Insurance and the man  
20 talks behind your back instead of telling me the truth about  
21 my Workers' Comp insurance. How much is -- how much is a  
22 man's life worth?

23 MS. COSCO: Sir, you're reached your time  
24 limit. Can I ask you to --

1 MR. HALVERSON: You know, one day I won't be  
2 able to speak and if I'm lying stay seated, but if I'm not  
3 lying stand up and let it be known that it's the truth. And  
4 I'm not lying. I'm not lying to you. Am I right? If I'm  
5 lying stay seated but if I'm not lying stand up and let it be  
6 known that it's the truth. I've got two friends that work  
7 with me. My son couldn't make it, he's at work.

8 MS. COSCO: I have the sign in sheet here for  
9 the last few folks that came in, but no one has indicated  
10 whether they wish to speak, so I'm just going to ask at this  
11 point if there is anyone else that would like to, please  
12 raise your hand.

13 MR. CAMERON: I want to speak.

14 MS. COSCO: Okay. I'm sorry sir, what's your  
15 name?

16 MR. CAMERON: Charles M. Cameron.

17 MS. COSCO: Charles Cameron. Come on up, I  
18 must have missed you. I'm sorry about that.

19 MR. CAMERON: My name is Charles M. Cameron.  
20 I'm the foreman with Danny Webb Construction. I've work for  
21 him going on probably 15 years. I've worked the wells. I've  
22 drove a truck and did about everything up there that could  
23 possibly be done. Also, I'm a resident. I live probably  
24 within three tenths of a mile from the well. Danny is the

1 person you know, that has been good to me. He's been good to  
2 my family. As the boss goes, you know, he's a good guy. One  
3 of the best bosses that I've ever had and this is one of the  
4 most decent jobs that I've ever had. The thing that gets me  
5 is, you know, I've you know, kind of whine and listened to  
6 people comments and you know, most of the stuff up there is  
7 just not true. I've lived that whole hollow from the time I  
8 was -- for my whole life there were coal camps up at  
9 Summerlee, you know, dumps, big slate dumps set from Fayette  
10 Clinic all the way up to the head of that hollow, two sets of  
11 tracks and you clean them, it run like from the turn of  
12 century up to like 58 from well - you know, some of these  
13 going up would probably be 70's at the cleaning plant. What  
14 gets me is they were up at Summerlee when all the old coal  
15 cars scattered down to the -- almost to Fayette Clinic, all  
16 the way up to the head of that hollow. It was a mountain of  
17 slate that run from there almost up to the pits. There were  
18 two sets of tracks run almost the distance up in there, and  
19 they come finally in the 70's and junked them all out, pushed  
20 all of that into the creek. There used to be a big ice pond  
21 set right there at that big curve above Otto, you know, where  
22 the recycling place is, that first big curve you come to.  
23 There was a dump there that run almost to the Fayette Clinic  
24 that was probably 30 to 40 foot high. They pulled it all

1 over and covered the ice pond up. Cleaned all the other and  
2 got all the scrap out of there, it had sit there all them  
3 years. You know, people used to ride dirt bikes in the slate  
4 dumps, you know, all like down there where Eagle Carbon is;  
5 there used to be a dump there as high as that there tower.  
6 Used to ride motorcycles, pushed all that over, over the  
7 years, filled all that in on that big flat spot where Eagle  
8 Carbon and all that stuff sets. So I believe they put all  
9 them different slate dumps down, covered them up and now  
10 years come, you know, we always talk about orange water.  
11 Orange water has always been up that hollow. There had been  
12 a whole lot. What concerns me is they want to make a deal  
13 about, you know, Wolfe Creek has orange water, it's polluted.  
14 You know, I got pictures here, today, I just went up there to  
15 Summerlee on the back side of Mr. Omley's property and  
16 there's red water running through there always, probably to  
17 the New River. And would we be, you know, crazy to say well,  
18 he's renovated his property and timber and that's his fault.  
19 I mean, that would be a foolish assumption by everyone. You  
20 know, there's a dump set up there as probably big as here to  
21 the highway that's covered up. You know, there's one half  
22 that size buried up over at Eagle Coal. All that head of  
23 that hollow is covered up in slate and then all of a sudden  
24 here, you know, water samples you know, I don't know where to



1 get there sampling from, but the samplings I've heard have  
2 been fine. So I just think, you know, people ought to --  
3 when we buy property you need to realize, you know, there was  
4 two coal camps at the turn of the century, all up in '58,  
5 60's and 70's. You know, a lot of things have gotten buried  
6 and left behind and then now they are surfacing. Danny Webb  
7 is getting falsely accused. That's all I got to say about  
8 it.

9 MS. COSCO: The two ladies that I promised to  
10 come back around to is Sylvia Allen?

11 MS. ALLEN: I'm good.

12 MS. COSCO: You're good?

13 MS. ALLEN: I concur with most of our  
14 speakers. Mr. Wender, Dr. David. I grew up in Summerlee, so  
15 I witnessed a lot of that as a young person. That's what I'm  
16 relating to now and I'm really concerned about our ground  
17 water.

18 MS. COSCO: Okay. Let me check with Elizabeth  
19 Brown first. Did you want to speak?

20 MS. BROWN: I've been there about 10 years and  
21 I've never had no problems.

22 MS. COSCO: Is that the extent of your  
23 comments?

24 MS. BROWN: Yeah.

1 MS. COSCO: Okay, sir. Come on up and if you  
2 will state your name for us.

3 MR. (INAUDIBLE): Yes, my name is Matt. I own  
4 the property next to the injection site. One comment that I  
5 would like to make on what he just said. He talked about, I  
6 guess it's called Summerlee gob pile, and he talked about the  
7 red water running down.

8 SPEAKER: Speak up please.

9 MR. (INAUDIBLE): Talking about the gob pile  
10 in Summerlee about the red water running off it. I want to  
11 point out the Chuck Law went to jail for that. So, you know,  
12 he's saying this is an okay thing, but somebody's has already  
13 been to jail for it. The other thing is I personally was out  
14 there with OOG when they took water samples. And I told  
15 them, specifically, that there was lead in the water. Now,  
16 they did their sampling and I looked at it and they never  
17 tested for lead. And I went back in the records and you have  
18 a little sheet and it lists all the information, all the  
19 things that you should test for. I'm not a chemist, but when  
20 I go through that list, there were 14 things that OOG did not  
21 test for and I'm just kind of questioning why. The other  
22 question I have for OOG is in 2007 the pits were to be  
23 removed and then when he -- I guess then Webb got cited for  
24 them, the OOG gave him some to keep, then my question is,

1 what are the pits for? And if they are to let things settle,  
2 why don't they do it at the location that they are brought up  
3 at? And another thing that a lot of people do not know is a  
4 lot of this stuff is coming in from out of state. It is not  
5 just from West Virginia. It comes in because places like  
6 Pennsylvania will not let it be put into their states. They  
7 have a thing where it has too much radiation, they will not  
8 let it go into their state, and it comes to West Virginia.  
9 So it's stuff like that that OOG needs to answer why this is  
10 happening. Thank you.

11 MR. HALVERSON: Is it alright if I stand right  
12 here?

13 MS. COSCO: Let me make sure that other people  
14 --

15 MR. HALVERSON: Because --

16 MS. COSCO: -- has other things too. This  
17 gentleman back here hasn't spoken. Sir?

18 MR. PEYTON: I'm speaking from a totally  
19 different -- I'm pretty loud, I don't need your microphone.

20 MS. COSCO: Can you state your name for us?

21 MR. PEYTON: My name is Peyton. Some people  
22 know me in this area. I work in the river industry, which is  
23 a different industry and I think we got other people in here  
24 that work in the river industry that are worried about the

1 water, because that is our livelihood. Not only for drinking  
2 but we are putting guests down these waterways, thousands,  
3 and thousands bringing thousand dollars' of taxes to this  
4 state. A lot of people now have smart phones, and I think  
5 the smart phones are pretty smart. You can go on Google  
6 maps. I was checking out some Google maps last winter and  
7 they update those pictures periodically. Well, a good buddy  
8 of mine, Thug, was making some mountain bike trails and was  
9 checking out what he was doing in Oak Hill and I went up and  
10 saw all of these ponds. They are leaking down the roads,  
11 going into Wolfe Creek, going into what was Fayetteville's  
12 water. I think Fayetteville gets their water from the lake  
13 now, but that still goes down Wolfe Creek and down through  
14 East Landing and then gets up there. That's the water you  
15 are drinking. That's the water I'm got to work on. A lot of  
16 river guides get rashes on their feet, rashes on their butts,  
17 under their arms and stuff, yeah, that might be from Virginia  
18 or North Carolina, but a good bit of that is from this state,  
19 right here and you're phone, your smart phone, and your  
20 computer, you can go on and look at it on Google maps. You  
21 can see the damage that is doing. That you are putting me in  
22 if you are going to let this stuff happen and continue to  
23 happen, you know, and it really sucks and if you can't see  
24 that then your phone might be smarter than you.

1 MS. COSCO: Ms. Board?

2 MS BOARD: My name is Erin Board. Thank you  
3 for having the hearing. I have my master's in public health.  
4 I'm a third year medical student at the West Virginia School  
5 of Osteopathic Medicine, although I'm not speaking on behalf  
6 of them I am speaking for myself. And I am also occasionally  
7 a videographer for the local rafting companies. So my  
8 concern in this case is ignorance, a general lack of  
9 knowledge that we have created technology that our  
10 regulations have not kept up with. Yes, they are toxic  
11 chemicals in the waste water. Is it reaches your drinking  
12 water, is it reaching recreational water, I didn't hear any  
13 peer reviewed evidence recording any of those questions, but  
14 I will say that just because this waste is half a mile below  
15 the bridge, it is completely insufficient evidence to say the  
16 least that it will not affect us.

17 Until you have indisputable peer reviewed studies  
18 that either can guide our policy process, we have an  
19 obligation to cease and desist for the protection of our  
20 state and of our people. Our government is a government for  
21 the people. You, the WVDEP have an ethical and moral  
22 obligation to protect us as citizens. We as citizens depend  
23 on the DEP to protect our environment. I and many others of  
24 the tourism industry work in the runoff that have been

1 contaminated by gross negligence. It is your job to protect  
2 those of us that are vulnerable and dependent on your  
3 oversight to prevent oil and gas companies from accidentally  
4 exposing us from toxins. Any level of mismanagement of this  
5 issue due to its location, being so close to the New River  
6 Gorge, it is morally reprehensible.

7 I believe it is time for West Virginia to serve as  
8 an example and lead the rest of the country entirely  
9 responsibly manage injection wells and sediments ponds. To  
10 be an example of how violations should be handled, I believe  
11 the DEP has an obligation to suspend current activities until  
12 proper risk assessments can be done. I have all due respect  
13 for Mr. Webb and his employees and also think their interest  
14 should also be protected financially and call on the  
15 community to come around and support them should the permit  
16 be suspended. We are all in this together and I think we can  
17 solve this in a responsible way. Thank you.

18 MS. RICE: My name is Jessie Rice and for the  
19 record, Erin stole most of my comments, so if this is  
20 repetitive, I apologize. I vehemently oppose renewing the  
21 permit in question. I also believe the state should put  
22 moratorium on all new Class II injection well permits until  
23 they have found a way to adequately monitor and or assure  
24 citizens livings within proximity to a site, but they are not

1 at risk of the exposure to toxic chemicals or radioactive  
2 materials. Additionally, I feel like the burden of proof for  
3 providing -- for proving waste waters are safe should fall on  
4 the companies that are requesting these permits, not the  
5 people who depend on clean water and soil for our lives and  
6 our livelihood. We should not have to suffer the same fate  
7 as other communities all over our country who have been  
8 poisoned in the name of energy and profit before the state  
9 decides to take actions or intervene. I personally don't  
10 want myself or my family to become a statistic or a case  
11 study in failed policies or another chapter in the State of  
12 West Virginia legacy in selling out to oil and gas interest.  
13 If Fayette County is going to compete in a new economy the  
14 State and the DEP cannot continue to compromise the quality  
15 of life of its citizens for short term profit.

16 The Lochgelly spotty history and their violation  
17 records make the rejection of this permit even more critical.  
18 So I would like for us to set a precedent for other  
19 communities in our state and say no. Not without more  
20 information, not without a plan, not before our concerns are  
21 addressed of which people have covered quite a gamut of  
22 concerns. Let's just say no, plain and simple and tell them  
23 no, we are going to be safe. I also want to say that you  
24 know, I'm a computer programmer and I can live anywhere and

1 work from anywhere and I chose to move to Fayetteville, but  
2 had I known, you know, the kind of laissez-faire attitude of  
3 legislation and regulation, I'm not sure that I would have  
4 and I think that I'm an important part of the economy and to  
5 that end, I also appreciate, you know, people in this  
6 community who jobs are on the line and depend on you know,  
7 this injection well specifically and so to Erin's point, you  
8 know, I volunteer to help anyone to find a job, who is put  
9 out of a job because the permit is not renewed. I also  
10 volunteer for any organization that is involved in educating  
11 people, our legislatures, our government organizations about  
12 this issue and I appreciate the website that somebody put up  
13 and I got a lot of useful information from it.

14 MS. COSCO: The lady in the back.

15 MS. STEIN: I'm from North Carolina.

16 MS. COSCO: Our court reporter can't hear you.  
17 That's another reason we have the microphone so the court  
18 reporter can hear you, we want to make sure we get it on the  
19 record.

20 MS. STEIN: I'm from North Carolina. Boone,  
21 North Carolina and I'm a student in Environmental  
22 Engineering. I just started that. I've been a landscape  
23 contractor in Boone for about 12 years and I moved to this  
24 area because it was so beautiful. And it seemed very



1 pristine until I started studying and calling on DEP websites  
2 and went to my maps, my water maps and I started looking at  
3 the infrared and GIS studies that showed a pathogen sediments  
4 that are settling in this area. It is affecting your fish;  
5 it is affecting everything in your eco system. It's called  
6 bioaccumulation. Okay, what does that mean? If you've got a  
7 job, I feel for you. I came from a family that had worked  
8 hard on the land, but when pesticides are in the soil or  
9 things are in the soil, it affects women the most, because  
10 most of those chemicals will end up in your memory glands and  
11 in your fat tissues and it doesn't just stop there. If you  
12 have children it gets passed on to your children and the  
13 first thing you know it attacks the neurological system,  
14 which is the intelligence of tomorrow. So when you are  
15 thinking about your jobs today, think about what's happening  
16 in the next generation and you should be asking this of your  
17 company, why don't you find green solvents? Does anybody  
18 know the process of fracking? It doesn't affect going down,  
19 that's conventional drilling. What happens is they drill  
20 down and then they go laterally two, three miles sometimes.  
21 That's just not under their platform of drilling, that's  
22 going over and under your hospitals, your schools, your  
23 neighbors wells, property, everything. So it's just not  
24 affecting your job, it's affecting everybody else's lifestyle

1 and their eco system and their health. So if you work for  
2 companies like this, why not demand, I don't mean like an  
3 union, but demand that -- why can't you use something like a  
4 glycerin based solvents, anything. Try to pull in people to  
5 support you; because it's not just your life and your job,  
6 it's your children's life and job in the future. It's your  
7 whole community that is being affected. So I just ask you to  
8 think about bioaccumulation for the next generation, your  
9 children's intelligence, and health. So that's all I can say  
10 to you. I want to live here, but I don't want my children or  
11 my friends walking around half-wits because some company  
12 wanted to make a profit now and not give you a job or your  
13 children jobs later or places to grow food. So think about  
14 that. It happened in North Carolina, it happened in New  
15 York, it's happening in Pennsylvania right now and now it's  
16 coming here. They want to dump their crap here and they are  
17 already doing it. So that's all I have to say.

18 MS. COSCO: Did you give your name? Did she  
19 get your name?

20 MS. STEIN: Tammy Stein.

21 MS. COSCO: There's a gentleman right here.

22 SPEAKER: I was on the list. I'm good now.

23 MS. COSCO: Okay. I'm sorry.

24 MR. COOK: Jerry Cook.

1 MR. COSCO: Jerry Cook?

2 MR. COOK: I'm speaking here. Well, I live in  
3 Lochgelly and I have for 14 years and my in-laws lived there  
4 before me. There's a really foul odor there that I'm  
5 surprised no one has said anything about it. There are days  
6 and nights, I can't go on my porch. I got to go in the  
7 house. It is foul. You know, we got a beautiful house and  
8 it's amazing you can't go on your own porch. We have made  
9 multiple calls to DEP and the answer is; we can't do anything  
10 because they have a permit. That was it. No note taking, no  
11 questions, nothing but we can't do anything about it, they  
12 have a permit. I find it pretty incredulous, personally, and  
13 I find it offensive, so I have no idea what the process is or  
14 the science is, are the people up there a lot smarter than I  
15 am, but I do know my grandfather finished the third grade,  
16 said you don't pee in your post toasties and it seems like to  
17 me that is what we are doing here.

18 So when I built my own home, I think somebody let  
19 me down here. So I also have a business here and I have a  
20 four million dollar payroll in Fayette County, so I  
21 understand business and I'm a business man. I spent 40 years  
22 around water and water is my business, that's what I do and  
23 so I accumulated a 150 million dollars of income in this  
24 county and I paid over 10 million in payroll, since I have

1 been in business. So I understand business, but I also  
2 understand you have to live here. My biggest disappointment  
3 is the people that is supposed to protect us and in my  
4 opinion is not protecting me.

5 MS. COSCO: Is there anyone that I missed that  
6 signed up?

7 MS. TINCTURE: I was not on the list and I  
8 would like to say something.

9 MS. COSCO: Okay. You can come on up.

10 MS. TINCTURE: Hello, my name is Misty  
11 Tincture. I'm not a public speaker, so you can probably here  
12 it in my voice. But sitting here listening to all of these  
13 stories, I feel like there is something that I need to say.  
14 First off, the gentleman that just spoke about the quality of  
15 air. I have two children, two boys and when I was pregnant  
16 with my second one, you could smell this odor in the air that  
17 was so bad that it would make me sick that I would have to go  
18 in my house, because I could not stand to smell it. I just  
19 kind of put it off of being pregnant, but I truly don't think  
20 that was the problem.

21 I've lived here my whole life in Lochgelly and if  
22 something is being put in our water, something has to be done  
23 with it. Something has to be tested with this water. If it  
24 is something that we are feeding our children, you know, and

1 our families, something has to be tested. It can't be  
2 overlooked or wrote a citation for something that you didn't  
3 do right. I want to say some names of a couple of people in  
4 our community that are children that within the last couple  
5 of years of gotten cancer and some did not survive. It's  
6 such a small community you should not personally know that  
7 many children with cancer. And I hope I don't offend anyone  
8 by saying these names, one is Izzy McManaway, who passed away  
9 from cancer that lives in Fayetteville. Her family still  
10 lives there. You have Kenneth Bigford who lives here in Oak  
11 Hill who died from a brain tumor, a very rare form. Chelsey  
12 Dwight, who lives a little bit past Fayetteville who is  
13 battling cancer right now, and another young girl Jamie  
14 Massey. Now, all of these people, I personally know. Within  
15 two years, I mean, that seems strange to me that so many  
16 children are getting sick. Not to mention the adults. I  
17 mean, this world like you said the smart phones, your  
18 Facebook; it seems like every day that I log into these,  
19 someone in our community is fighting cancer. And I just  
20 don't understand or know where it is coming from and I feel  
21 like, as someone stated earlier, it's in the water. I don't  
22 know if it's in the water, but it's in something. It is in  
23 something that we are in this little community being accepted  
24 too, whether it be the water or the air. And I just ask you

1 to please, consider what we all said here tonight, because it  
2 is our families and our children that are drinking this water  
3 and they have a right to know when they turn their faucet on  
4 at home that it is safe water. When you take a shower at  
5 night, our children have played sports and if they are taking  
6 a nice clean bath. So I just ask that you please, please, do  
7 what you should do and are supposed to do with your rules and  
8 regulations. Don't overlook them. That's all I ask and  
9 thank you.

10 MS. COSCO: We've got about time for one more.  
11 Is there anybody else?

12 SPEAKER: I would like to ask one question,  
13 please.

14 MS. COSCO: We will take the questions after  
15 we close the hearing portion of it.

16 SPEAKER: Ma'am?

17 MS. COSCO: Yes, ma'am?

18 MS. PAYNE: Yes. I drive through Summerlee  
19 and right at that dip there you can see like an orange with  
20 diesel on top of it, alright. At the top of the hill there  
21 at Carlson's Greenhouse is right there on the right. You go  
22 a little further, you got them set of railroad tracks, that's  
23 not nothing but swampland and diesel fuel. Some probably  
24 really nice, I can't swear to it. But I would be afraid to

1 throw one of my cigarettes out the window and be afraid of  
2 being blowed up. Now, you talk to the people that live down  
3 there and you'll have a lot of their animals have died from  
4 heartworms, which is from the mosquitoes that are in those  
5 swamps. So how can, you know, this be happening. I mean,  
6 why can't we do something about this yellow, diesel like  
7 water coming out of the ground there at that curve before the  
8 hump, where the swamp on the other side by the railroad  
9 tracks. I mean, we are losing valuable pets here that costs  
10 a lot of money, because of heartworms, which are mosquitoes,  
11 you got water moccasins, and you got kids that are playing in  
12 there too. I mean, you got to take that in consideration  
13 also. Because they can't go to a swimming hole, where are  
14 they going to play at?

15 MS. COSCO: Well, we will make a note of that.  
16 Thank you. Okay. Yes, ma'am, did you sign in?

17 MS. MCDAY: No, I'm not on the list. I'm  
18 Teresa McDay. I'm a reading specialist at Rosedale  
19 Elementary. When the lady spoke --

20 MS. COSCO: Uh -- she can't hear you.

21 MS. MCDAY: Well, do I have to go up there.

22 MS. COSCO: Yes.

23 MS. MCDAY: Teresa McDay. I'm one of the  
24 three reading specialists at Rosedale Elementary. I'm in my

1 17th years there. And when Ms. Rayhall spoke earlier, I took  
2 the notes about reproduction and the development and when the  
3 other lady spoke about the intelligence of the children and  
4 everything. People, we got a lot at stake here. We really  
5 do. I mean, our kids, I mean, if there -- when the mothers  
6 are pregnant if there is something not going right, if  
7 something in the water that they are ingesting and then when  
8 the babies are born, there is something in the water. It  
9 does affect brain development and it affects how they learn  
10 in school and it affects how well they do. Just go on the  
11 website and see what Fayette County lays with the State as  
12 far as test scores and education. Look and see where  
13 Rosedale lies. I mean, yeah, I mean yeah, it's my job too,  
14 right, but, I mean, we got kids -- we got kids with health  
15 problems at Rosedale as well and it's just like a light bulb  
16 went on this evening and I just found out about this on the  
17 news this morning.

18 I would have been -- I find it odd that there is  
19 another major meeting going on in the county now with the new  
20 bond and both of these meetings are at the same time and a  
21 lot of people that would have been in this meeting have to be  
22 at that meeting. I just thought it was kind of odd, because  
23 we are trying to make some changes in the county and now this  
24 happens all at the same time. Not only have I been a teacher



1 at Rosedale Elementary, they tease me at school because they  
2 say I didn't go very far in life. I'm third generation, just  
3 four tenths of a mile up the road. I raised two boys in this  
4 community as well. I'm checking the dates there what 2002,  
5 my eldest son is now having health problems. He is living in  
6 Morgantown now. I mean, this really is -- I'm going to have  
7 him contact that professor at WVU, but I'm thinking, yes,  
8 there is something going wrong here. There most definitely  
9 is and please, please consider this permit, because I don't  
10 know how -- I mean, like I say, I've lived here all my life,  
11 I'm educated, I don't know how it got by me to begin with and  
12 that's what we were talking about at school today. I don't  
13 know how it came about, but please consider, because we -- I  
14 mean, like I say, it's no secret. Go on the website and look  
15 at the test scores. Look at how Fayette County falls within  
16 the range and we have a lot -- we've needed a lot of special  
17 ed teachers, we need a lot of reading specialists. I mean,  
18 it's something -- something needs to be done about this. I'm  
19 really concerned and thank you for listening.

20 MS. COSCO: Okay. This concludes the public  
21 hearing on the application to renew the UIC permit by Danny  
22 Webb Construction. To properly receive information from the  
23 agency, please make sure we have your mailing address. We'll  
24 have some additional sign-up sheets back there in case you

1 didn't sign up and you would like to receive a letter from us  
2 notifying you of the decision and responses to the comments.  
3 As requested by Beth Little of the Sierra Club, we will  
4 extend the comment period to Friday, June 14th and you may  
5 make statements in writing by submitting them to the agency.  
6 We will have that in the back too, but the address is 601  
7 57th Street, South East, Charleston, West Virginia 25304.

8 SPEAKER: Don't you have an email address?

9 MS. COSCO: We do have email address, its  
10 dep.comments or [depcomments@WV.gov](mailto:depcomments@WV.gov).

11 SPEAKER: Which one is it?

12 MS. COSCO: Send it to both, that way you will  
13 be sure you will get it there.

14 SPEAKER: You don't know which one is the one  
15 to send --

16 MS. COSCO: Right now I don't know. I'm not  
17 sure if there is a period in there or not. At one time there  
18 was and there was a change and --

19 SPEAKER: That's pretty sad.

20 MS. COSCO: I'm sorry. All right. So, we  
21 thank you very much for your interest and for you taking the  
22 time to attend this hearing. Good night.

23

24

\*\*\*\*\*HEARING CONCLUDED AT 7:55 P.M.\*\*\*\*\*

## REPORTER'S CERTIFICATE

IN THE STATE OF WEST VIRGINIA

I, Catherine A. Altizer, Notary Public within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing PUBLIC HEARING, DANNY WEBB CONSTRUCTION UIC PERMIT RENEWAL was duly taken by and before me, under the West Virginia Rules of Civil Procedure, at the time and place and for the purpose specified in the caption thereof.

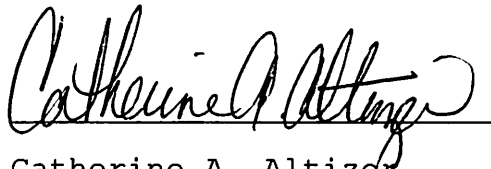
I do certify that the said hearing was correctly taken by me by means of stenomask and speech recognition; which is reduced to written form under my direction and supervision, and that this is, to the best of my knowledge and belief, a true and correct transcript of the proceedings and comments by said participants.

I further certify that I am not connected by blood or marriage with any of the parties to this action, am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, or financially interested in the action, or interested, directly or indirectly, in the matter in

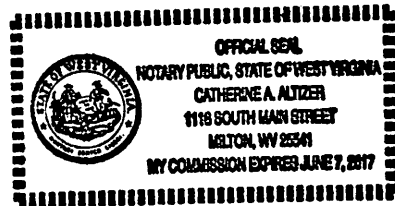
controversy.

Given under my hand this 11th day of June 2013.

My commission expires June 7, 2017.



Catherine A. Altizer,  
Court Reporter,  
And Notary Public



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