

BEFORE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:

Public Hearing for Danny E.
Webb Construction Application
for State Underground Injection
Control Permit Renewal
UIC2D0190460

TRANSCRIPT OF PROCEEDINGS had or testimony
of a Public Hearing in the above-entitled action, on the
6th day of September, 2007, commencing at 6:00 p.m. and
concluding at 6:22 p.m., at the Fayette County Court House,
100 North Court Street, Fayetteville, Fayette County, West
Virginia, pursuant to notice to all interested parties.

BEFORE: RICH CARTER, Facilitator

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I N D E X

Reporter's Certificate.....Page 19

1 MR. CARTER: Good evening. I'm Rich Carter
2 with the West Virginia Department of Environmental
3 Protection. We're here this evening to take public comment
4 on the Danny E. Webb Underground Injection Control Permit
5 renewal this evening.

6 You should try to keep your comments clear,
7 concise and to the point. When we open the public comment
8 portion of the hearing, which will be shortly, we will go
9 straight through. Each person will get a chance to make
10 their comments. There should be no interaction between
11 anyone in the audience and the person making their
12 comments. They get their time to make the comments.

13 Right now, it appears to me that there's
14 four people. So, I will not set a time limit this evening.
15 But, again, as a courtesy to everybody, you make your
16 comments clear, concise, to the point and go straight
17 through them. Then, we'll all be happy. Okay?

18 The first person I have signed up to speak
19 is Brad C-e-e-n-o-n? Is that correct?

20 Mr. Keenan: Well, Ryan wants to go first.
21 Ryan Newell. He has children, and he'd like to go first.

22 MR. CARTER: Ryan. The first person we'll
23 have speak this evening is Ryan Newell. Mr. Newell, would

1 you come up? We need to have you close to this microphone
2 because your comments are - -

3 MR. NEWELL: My name is Ryan Newell. I'm a
4 business owner in Lochgelly. I'm part owner of Fayette
5 Clinic and operate as a family physician there. I've been
6 in practice for about six years now. I joined my father
7 six years ago. He's been in practice for going on 30
8 years. That practice has been in existence for about 40
9 years. We've been taking care of residents of Fayette
10 County for about 40 years.

11 I'm coming here, actually juggling with
12 kids, because it's important for me to express my concern
13 about what's going on in our place of business. What I've
14 noticed is there's a lot more traffic, carrying some
15 unknown substance. I'm not sure what it is. Everybody's
16 speculating about it. But, I do know that it's impacting
17 our business, and the quality of air for my patients, on a
18 pretty consistent basis.

19 Most of my patients are geriatric patients
20 that I inherited from my grandfather. A great percentage
21 of them have Chronic Obstructive Pulmonary Disease.

22 What I'm seeing with the trucks, and my
23 concerns, are two-fold. One is the amount of truck traffic

1 going through that area. There's patients crossing the
2 road very frequently. Again, there's a high volume of
3 trucks. There's a considerable amount of dust that's
4 continually churned up. I've had patient complaints about
5 that.

6 But, the biggest worry that I have is the
7 smell. There's an odor that comes on kind of at a random
8 basis. I've not been able to tell you, you know, it's more
9 in the mornings, or more in the evenings. I haven't really
10 paid attention to that. But, it is an odor that I've
11 noticed. It's an oily smell that's pretty pungent. I've
12 had multiple patients complain to me, as well as to my
13 partners, about this.

14 There's about 1,000 to 1,500 patients that
15 come through our clinic on a weekly basis. So, I think the
16 impact of this is pretty significant with my patients.

17 That's all I have to say.

18 MR. CARTER: Thank you. It's best when you
19 come up if you'll stand here and address the whole - -

20 MR. NEWELL: Oh, I'm sorry.

21 MR. CARTER: That's okay. I mean, you
22 didn't understand. Fine. Well, do you have someone else
23 you wish to speak second? Well, just tell me who you want

1 to speak. What's your name?

2 MR. KEENAN: Brad Keenan.

3 MR. CARTER: Brad Keenan.

4 MR. KEENAN: K-e-e-n-a-n.

5 MR. CARTER: K-e-e-n-a-n. Thank you.

6 MR. KEENAN: First off, I don't know what
7 type of forum this is. I hear this is just a hearing, that
8 there will be no discussion. So, I'm just wondering if,
9 you know, people would like to be able to state their name,
10 place of residence, and if, or not, they work for Danny
11 Webb because I believe what we'll find out is that you'll
12 have two people here. You'll have people who live in
13 Lochgelly; and people who work for Danny Webb.

14 I have several concerns about this
15 operation. I almost want to call it a Keystone Operation -
16 - Keystone Cops - - because that's, basically, what it
17 looks like.

18 I have here the permit, what's required for
19 permit, for an injection well. If you go down and read
20 some of these things, as in Chapter 3-A, it says: Any
21 monitoring and other information which indicates any
22 contaminant that may cause endangerment to an underground
23 source of drinking water.

1 They call this an injection well. But, the
2 first thing they do is they pump it into ponds. Now, it's
3 considered surface. So, why do we have ponds? Why is it
4 not injected directly into the things?

5 Second one: Any non-compliance with the
6 permit condition, or malfunction of the injection system
7 which may cause fluid migration into, between, underground
8 sources of drinking water.

9 Well, we own property right next to this
10 well. Having REIC test it, there is diesel fuel in this.
11 It's 50 feet from this well. Where is it coming from? The
12 real question is, who's in charge? Who's responsible for
13 this diesel fuel being on my property and on the creek? If
14 you look at the creek, there's nothing living in it.
15 There's no minnows. There's no frogs. There's nothing.
16 So, obviously, it's bad water.

17 Still, Chapter 3-C: Any non-compliance
18 which may endanger health or environment.

19 Well, as you talk to Mr. Newell there, of
20 course - - or Dr. Newell, I should say - - he talks about
21 people complaining. Here's a complaint that came, or went,
22 to DEP. Basically, it was from Sue Puckett. She writes,
23 "Right now I'm concerned for my health and family's health,

1 which I have noted off and on for several weeks. I am
2 getting headaches and getting nauseous when the odor is
3 present." So, right there is a health concern. That's
4 from Sue Puckett.

5 I have another one. It's actually from Dr.
6 Newell's office itself, which you've already talked to Dr.
7 Newell. So, we won't need to do that one.

8 Here's one from Blake Feazell, F-e-a-z-e-l-
9 l. He talks, "The smell of natural gas came into my
10 Lochgelly post office. The smell was strong enough that it
11 caused me to develop a headache." Again, a health hazard.
12 There's several of them like that.

13 The real question is, and we'll go back to
14 this Keystone mentality. I've only met Danny Webb once.
15 That's when DEP and everybody was out there. During this
16 discussion, the first thing we asked is what the ponds are
17 for, and what are they pumped into? You know, the ponds.
18 His answer - - and I've got two other people here that know
19 it - - was, "No, it gets pumped directly into the tanks."
20 Okay.

21 Well, obviously, I've got on film where he
22 doesn't do that. I also have on film, and I'll go back to
23 the permit again where the permit states that he is

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1 supposed to train and have security at the location. When
2 I talked to this driver, he, basically, knew nothing about
3 what was going on or how it should be run. Basically, the
4 only thing he said to me was, "All I know is, is that I
5 pump from here into this pond." There was no management
6 there. There was no security there. There was nobody else
7 there but the guy and his truck.

8 The road going down to it should be
9 secured. It's not. It never has been that I've ever seen.
10 As a matter of fact, where he's got his gate, it's not even
11 on his property. So, there's no way he can close it. He's
12 supposed to have, in 2004, have a fence built. I think, at
13 this point, I think he's building a fence now. This is
14 back when DEP in 2004 said he needed to put a fence around
15 it.

16 So, again, it's just on things that just
17 don't make sense. At the same location, we asked about a
18 1-A well. Basically, everybody said I don't know what
19 you're talking about. Well, in December of 2006, Danny
20 Webb got a permit to re-drill another well a quarter-mile
21 up the road. So, he, obviously, he did know about that
22 well.

23 So, again, I don't know if Danny Webb just

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1 has a bad memory, or he's lying to me. It's just several
2 things like that that make me wonder what's going on.

3 Also, I'm wondering about how you're
4 testing him. According to what I've read on the thing, you
5 only have a maximum of two test requirements per year for
6 what he's putting in the well. Meanwhile, he's running
7 24/7. After two permits, anything can go down that well,
8 or actually, go into the pond and then down his well.

9 Now, I heard that these ponds are used for
10 settling of coal fines. Well, if that's true, why don't
11 they settle them at where they are getting them from? Why
12 is he bringing them to Lochgelly to settle them? It goes
13 on, and on, and on.

14 It's just - - he's in the wrong place for
15 doing what he's doing. He's at the headwaters of Wolf
16 Creek, which is drinking water for both Oak Hill, Lochgelly
17 and Fayetteville. He just does not need to be there.

18 I guess the final thing that I want to
19 point out from Danny Webb when I talked to him, and I
20 believe you-all were there, too. I asked what the life
21 expectancy of this well was. Everybody said, we don't
22 know. In your report it tells you exactly how this well is
23 going to be and what it's capable of taking. Why didn't

1 somebody tell me that before?

2 I think what happened is here, is we're
3 into a hearing situation. I was, basically, kind of
4 misled. I think we needed to have a discussion with DEP to
5 get these questions answered. So, I would like to request,
6 you know, somebody to actually, you know, meet with us
7 before they make their decision on this well, to actually
8 discuss what is going on. That's all I have.

9 MR. CARTER: Thank you. I will accept any
10 submissions you wish to give this evening, or anyone else
11 wishes to give this evening, and make it a part of the
12 record. You do have until September 17th at the close of
13 business to submit your comments. You can also have them
14 postmarked by September 17th. So, that gives you additional
15 time to have comments after this hearing. So, let's just
16 go ahead and do Cindy Keenan.

17 MS. KEENAN: Well, my husband pretty much
18 covered everything I was going to cover because we've been
19 talking all the time about this. One thing I really want
20 to stress is it says in one of these documents that there's
21 to be security provided on-site: Permittee shall provide for
22 security at the injection facility regarding illegal or
23 unauthorized dumping and injection at the injection

1 facility.

2 I've been told that because Danny Webb
3 employs drivers that that's security. Well, that's not.
4 When the drivers aren't there, nobody's there. The gate's
5 not locked. Anybody can go in there and dump anything. We
6 have no idea what's being dumped down there, into the
7 ponds, anywhere else. The gate's never locked. Like my
8 husband said, they run 24/7. There are no set business
9 hours. There are no set rules of any kind. It's just
10 haphazard.

11 I also found on the same document my
12 husband was talking about that - - it says: Permittee shall,
13 at a minimum, check and report pH level of every load
14 hauled to insure that fluid is compatible with fluids which
15 can be injected under this permit.

16 Is that being done? If so, can we have
17 copies of the documents, because I just don't see that
18 every load he hauls is exactly what it's supposed to be
19 judging from the smell that we've smelled in the past? The
20 fence was another issue, but apparently we've been told
21 he's building a fence now - - three years later.

22 No third-party haulers. We do know of one
23 instance. Of course, something was handwritten in there -

1 - except in emergencies. We know of one instance where
2 there was a third-party hauler. Hopefully, that won't
3 happen again.

4 It's said that - - I've been told that he's
5 - - you know, I mean, is there any training provided to
6 these drivers? Is there a certified company hired saying
7 this is how you handle these fluids; this is how you record
8 these fluids; this is how you monitor these fluids? If so,
9 can we have copies of it? Can we find out how that's being
10 done?

11 That's all I have. Thank you.

12 MR. CARTER: Thank you. Is this Tom Osley?

13 MR. OMLEY: Close. O-m-l-e-y, Omley.

14 MR. CARTER: O-m-l-e-y.

15 MR. OMLEY: It's homely, without the H.

16 MR. CARTER: Tom, right there.

17 MR. OMLEY: A couple of things. I sit on
18 the Transition Team for Fayette County. One of the things
19 that concerns me the most is the fact that the location - -
20 like in real estate, location, location, location. This is
21 not the location to be testing the future water of Fayette
22 County.

23 These wells are here. They are - - so far

1 there's been 23,100,000 gallons put in there. We don't
2 know really what it is. We do know that there's been two
3 major instances that had to evacuate a lot of people from
4 town. We have been told that.

5 I think every person is entitled to own a
6 business and run a business. I know some of the people
7 that work for Danny that are here. They're hard working
8 people.

9 It's not a personal issue. It's a location
10 issue. We in Fayette County have been working extremely
11 hard to clean up Fayette County - - Gene Kistler, of
12 Plateau Action Network, the people that have been working
13 so diligently to help with our water system.

14 Now, we've got, you know, truck after truck
15 after truck going down here and dumping to what - - none of
16 us really know what it is. We just don't. It's not
17 tested. It's put into open ponds and dumped.

18 I think the key issue is there's a lot of
19 wells and a lot of different locations that are far more
20 remote. I know that this is rural/residential all around
21 it and, frankly, that's what it should be. Although, that
22 property up on the hills around is going to be developed
23 into rural/residential. It should be rural/residential.

1 The biggest concerns are a lot of us feel
2 the same way, that we're just little people and really
3 don't have a say-so because this is huge business. It's
4 big business. It's giant business. Reality is the
5 millions and millions of gallons that go in here should go
6 somewhere else in my opinion.

7 The permit, probably, should have been
8 revoked in 2004 the first time there was an incident - -
9 the second time there was an incident. It just keeps
10 happening. Like, I guess, anybody that gets caught with
11 their hand in the cookie jar is going to react when that
12 happens.

13 But, I think there's a need for the
14 business. It's just not in Fayette County. It should not
15 be where we're trying to clean up and do when we have so
16 many things going on.

17 So, my forecast is, we don't know what's
18 happening. I've read a fair amount. I'm not an expert in
19 the injection well - - I know that they have had problems
20 in various states. I know that they've had leakage. I
21 know that there's a lot of things that can happen. What I
22 don't want to leave to the next generation down there is a
23 bunch of problems that it's too late to fix; and it's the

1 head of our water system. So, that's my overall concern is
2 water.

3 The roads, obviously, there's truck tanker
4 after tanker going down the road. People tell me that it's
5 65,000, is the limit. I think they're 80,000 trucks. I
6 don't know what they are. Danny can tell you that. But, I
7 think the dust is incredible. It's just a nightmare. It's
8 just a poor location.

9 So, that's me in a nutshell.

10 MR. CARTER: Thank you. Well, I noticed
11 some folks came in after the meeting had started. You
12 didn't have a chance to sign in. If you want to sign in,
13 this is your opportunity now. No one else has indicated a
14 desire to speak. If you wish to speak at this time, if
15 anybody wishes to speak, actually, at this time, but you
16 folks that just got here, you need to sign in to get a
17 response to those comments that you have.

18 So, other than that, if there's anyone else
19 here that's either signed in, or didn't sign in, wishes to
20 speak at this time, this is your opportunity to speak as no
21 one else is signed up to speak. We'll be closing the
22 hearing shortly if no one else wishes to speak at this
23 time.

1 MR. KEENAN: Can we speak again? One thing
2 that wasn't brought up.

3 MR. CARTER: Okay.

4 MR. KEENAN: I'll just want make a quick
5 comment.

6 MR. CARTER: Well, let's get it, make sure
7 we get it on the record. Okay?

8 MR. KEENAN: The only thing I want to make a
9 comment - -

10 MR. CARTER: Your name, again, was?

11 MR. KEENAN: Brad Keenan.

12 MR. CARTER: Brad Keenan.

13 MR. KEENAN: I noticed that these wells have
14 flappers on them. According to the EPA, we read about
15 that, you know, flappers are to keep the smell down. Why
16 in the world do you need flappers on tanks for if you're
17 dumping in ponds? It makes no sense. Flappers do nothing.
18 That's one thing I want to make - - it just doesn't make
19 sense. Another Keystone Cop.

20 MR. CARTER: All right. Thank you. If
21 there's anyone else that would like to speak at this time?
22 Pam?

23 Well, I'd like to thank you all for coming

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1 this evening, expressing your comments. If you did speak,
2 these will get transcribed and submitted to the Division.
3 They'll respond to the comments as pertinent.

4 Thank you very much.

5 (WHEREUPON, the hearing was closed.)

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WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF WEST VIRGINIA,
COUNTY OF FAYETTE, to-wit:

I, Jo Ann Wilson, a Certified Court Reporter, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all the proceedings as set forth in the caption hereof.

Given under my hand this 9th day of September, 2007.

My commission expires July 10, 2016.



Certified Court Reporter

