

1 PENNSYLVANIA COUNTY, VIRGINIA
 2 -----X
 3 PUBLIC HEARING FOR PROPOSED :
 4 NATURAL GAS PIPELINE, :
 5 Other, :
 6 : INDIVIDUAL VWP
 7 : PERMIT NO: 125-
 8 : 1277 Upland
 9 -----X

10

11 HEARING
 12 BEFORE ROBERT J. WELD - HEARING EXAMINER
 13 December 18, 2025
 14 5:59 p.m. EST

15

16 Job No.: 612066
 17 Pages 99 - 127
 18 Transcribed by: Jacalyn Mann

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22

1 HEARING, held at the location of:
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5 INSTITUTE FOR ADVANCED LEARNING AND RESEARCH

6 150 Slayton Avenue

7 Danville, VA 24540

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13 Pursuant to agreement, before Stephanie

14 Hodges, Notary Public in and for the Commonwealth of

15 Virginia.

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1 A P P E A R A N C E S

2

3 ON BEHALF OF OTHER, WILLIAMS TRANSCO:

4 JOSH HENRY, ESQUIRE

5 HUNTON ANDREWS KURTH, LLP

6 951 East Byrd Street

7 Suite 200

8 Richmond, VA 23219

9 (804) 788-8200

10

11

12 ALSO PRESENT:

13 Melanie Davenport - Director Division of

14 Cross-Media Programs

15 Dave Davis - Manager, Office of Permitting

16 Assistance

17 PUBLIC SPEAKERS:

18 David Sligh

19 Jessica Sims

20 Samantha Collins

21 Gary Purgason

22

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1 C O N T E N T S

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4 PUBLIC COMMENTS:

5 By David Sligh 108

6 By Jessica Sims 114

7 By Samantha Collins 120

8 By Gary Purgason 122

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E X H I B I T S

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(None.)

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P R O C E E D I N G S

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HEARING OFFICER OPENING REMARKS

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HEARING OFFICER: This hearing is now

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called to order. My name is Robert Weld. I am

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the Blue Ridge Regional Director for the Virginia

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Department of Environmental Quality. This

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evening, I will be serving as your hearing officer

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for this proceeding, and you'll be presenting your

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comments directly to me in the order staff has

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here for entry into the administrative record.

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Thank you for being here and participating in this

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hearing. To minimize interruptions, please

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silence your cell phones while in the meeting

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room.

16

Please observe the meeting rules of

17 conduct that are posted at the sign-in tables and
18 near the main building entrance doors. The
19 meeting rules will be enforced fairly and
20 impartially, not only to ensure the efficient and
21 effective conduct of business, but also to ensure
22 no interference with the business of the facility,

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1 its employees, and guests.
2 This public hearing is being held in the
3 Barkhouser Auditorium at the Institute for
4 Advanced Learning and Research, located at 150
5 Slayton Avenue in Danville, Virginia. It's being
6 held pursuant to 9VAC25-210-172 regarding Public
7 Involvement for Controversial Permits.
8 The purpose of this hearing is to
9 provide an opportunity for eligible employees who
10 previously commented, either at the public
11 hearings or in writing, during the comment periods
12 for the draft Virginia Water Protection Permit
13 and/or the tentative Upland 401 Water Quality
14 Certification decision, proposed by the Department
15 of Environmental Quality for Transco's Southeast
16 Supply Enhancement project, to respond to the
17 department's public comments, summary, and
18 response.
19 A notice of this hearing was posted in
20 the Virginia Regulatory Town Hall on December 4th,

21 2025. The public comments summary and response
22 document is also posted there. The hearing notice

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1 and the public comment summary and response
2 documents were available on the DEQ website from
3 the Southeast Supply Enhancement Project
4 December 4th as well.
5 No new information will be accepted at
6 this hearing. The public comment period has
7 closed. DEQ will only accept written and oral
8 comments on the comments summary and response
9 document. In order to be eligible to speak, you
10 must have commented either in person at the draft
11 permit for tentative certification public
12 hearings, or in writing during the draft permit or
13 tentative certification public comment periods on
14 September 20th, 2025 to November 10 of 2025, and
15 had included your name, your mailing address, or
16 e-mail address, and a statement of how you are
17 affected by the pending actions.
18 Please ensure that you have signed in at
19 the table at the entrance of the building no later
20 than 7:30 p.m. Those eligible who do not get an
21 opportunity to speak this evening may submit
22 written responses at this hearing to Kate Miller

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1 with DEQ or the designated alternate DEQ staff

2 person. Please make sure your name, e-mail, or
3 physical mailing address are on the written
4 comment.

5 This hearing will end at 9:00 p.m. or
6 when the last eligible speaker who signed in by
7 7:30 has been called, whichever occurs first. No
8 decisions concerning the permit or certification
9 actions will be made here.

10 I would like now to review the
11 procedures for the hearing, so that we can work
12 towards allowing as many in attendance as possible
13 to have a chance to be heard within the allotted
14 time for this hearing.

15 Please be respectful of others
16 throughout the public hearing. Each eligible
17 speaker will be given three minutes to provide
18 comments on DEQ's summary of comments for the
19 draft Virginia Water Protection Permit or for the
20 tentative Upland 401 quality certification. And
21 the timer will begin once you start.

22 If an eligible speaker previously

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1 commented on both the draft Virginia Water
2 Protection permit and the tentative Upland 401
3 certification, they will be given three minutes to
4 provide responses for the draft permit, and an
5 additional three minutes to provide responses for

6 the tentative Upland 401 certification, for a
7 maximum total of six minutes. So I will give any
8 present with a desire to speak an opportunity to
9 do so. The speakers will not be allowed to take
10 additional time from one individual to the other.
11 This meeting is being recorded for the
12 administrative record. Please speak slowly and
13 clearly so your comments can be accurately and
14 completely recorded into the official record of
15 this hearing. We have a reporter at this hearing
16 to record your comments.
17 Your number from the sign-in sheet will
18 be called to come forward and speak. Please
19 introduce yourself before making a comment by
20 giving your full name and who you represent, if
21 applicable. We have microphones on either side of
22 the room, if you're able. Please, when you come

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1 up here to speak, please only speak into those
2 microphones so everybody can hear you.
3 We will now be calling ticket numbers.
4 MS. DAVENPORT: The first ticket number
5 is 350. And when you come up, will you please let
6 us know if you have a three or a six, and we will
7 set the timer accordingly for those minutes.
8 Thanks.
9 MR. SLIGH: Can I ask a question before

10 my time starts? I just want to be absolutely
11 clear on whether written comments can be submitted
12 or not. Because what you said, sir, didn't
13 totally jive with what I have been told.
14 HEARING OFFICER: In order to speak
15 tonight, you can provide --
16 MR. SLIGH: Okay. I just want to make
17 sure that I'm clear. Thanks for saying that.
18 I'm David Sligh, representing Wild
19 Virginia. I'll start with the discussion on the
20 water quality impacts, which was addressed in both
21 sets of summaries. So my comments apply to both
22 in this area, but I'll reference specifically some

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1 language in the VWP summary.
2 DEQ asserts that violations incurred by
3 other projects in Virginia, quote, Do not predict
4 violations of water quality or impacts to water
5 resources using human health or the quality of
6 wildlife that may occur during the construction of
7 SSEP. At the same time, DEQ presents findings
8 from two water monitoring reports of MVP, implying
9 that this history does -- could be predictive of
10 this project. And that's correct, because this
11 project faces essentially the same kinds of
12 requirements, has the same kinds of plans, for
13 construction and pollution control, and will face

14 the same kind of enforcement and monitoring by
15 DEQ.

16 As regards to those two studies by USGS
17 and by DEQ, DEQ has stated that the findings
18 suggest that the construction of the MVP mainline
19 project, but for that project, stream-crossing
20 activities did not result in measurable long-term
21 degradation of water quality or quality ecosystems
22 at the monitored sites. At the monitored sites is

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1 the key part there. Contrary to DEQ's statement
2 that the two studies cited, quote, Were conducted
3 with the express purpose of answering whether
4 pipeline construction impacted water quality,
5 which is a general statement, the authors of the
6 studies themselves flatly contradict this
7 statement's implication, that they could answer
8 the broad question as to MVP's overall impact on
9 water quality.

10 The study looked at five streams, six
11 sets of stations, monitoring sites on the upstream
12 and downstream sides of the pipeline crossing
13 points. One key point is that, for four of those
14 sets of stations, there was significant pipeline
15 impacts upstream, of the upstream sites. That's
16 an important point.

17 The record of damages from MVP on water

18 bodies is so extensive in the record as to compel
19 anyone, any reasonable observer, to reject DEQ's
20 assertion that there were not, had not been, major
21 water quality impacts, and that some of those
22 impacts are lasting.

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1 Do I have to stop at the three minutes?
2 HEARING OFFICER: No. Go ahead.
3 MR. SLIGH: Just keep going, okay.
4 HEARING OFFICER: We'll set it for three
5 more minutes.
6 MR. SLIGH: Right. Just one more point
7 on this area, is that it's important to look at
8 some specific problems that occurred on MVP that
9 could be compared to what has been presented in
10 these studies. I'd like in the record for DEQ to
11 address whether certain occurrences are real water
12 quality standards violations, whether they do have
13 lasting impacts. And I'll cite the occurrence,
14 one occurrence, in July of 2024, after
15 construction ended, where, according to the
16 inspectors from the State, 278 cubic yards of
17 sediment were dumped in Indian Creek. That's a
18 tributary to the South Fork Roanoke into the
19 Roanoke River upstream of these monitoring sites.
20 They said the sediment was 3 feet deep on average
21 throughout that stream. I want DEQ to tell me how

22 that can not have had lasting impacts; how that

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1 did not violate water quality standards. I
2 frankly defy anybody to make that assessment.
3 On cumulative impacts analysis, I see I
4 don't have much time left, but I'll just point out
5 a couple flaws in that analysis. First, the use
6 of the Huck 12 areas, those defined areas that are
7 on different scales, DEQ has claimed that that
8 cumulative impacts analysis method has reasonable
9 ecological relevance in defined study areas.
10 That's just simply not true, and scientific
11 literature endorses the fact that that is not
12 true. One study says that these are simply a
13 convenient, but problematic, nationwide set of
14 geographic poly-grams, and states that half or
15 more of the hydrologic units are not even
16 watersheds, and that there bears out in this area.
17 Four of the five hucks in the SSEP area, three are
18 not watersheds. And in some of those, most of the
19 huck area is not at all affected by SSEP. In one
20 case, out of, I think eight or so, watersheds in
21 the huck, only two would be affected by SSEP, and
22 those are small watersheds.

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1 There are other cases where small parts
2 of watersheds would be heavily impacted, despite

3 the fact that the analysis has been done on the
4 whole huck area.

5 Finally, I'll just quickly say that the
6 quantitative approach that has been taken is
7 totally improper. And thanks.

8 HEARING OFFICER: Thank you, Mr. Sligh.

9 MS. DAVENPORT: Will Ticket 351 please
10 come up, and let us know if you've got three or
11 six, although I'm guessing you have a six.

12 MS. SIMS: I do have six. I have a
13 quick question. May I submit exhibits to you all
14 that are affiliated with these comments? If I
15 start walking, will you --

16 HEARING OFFICER: Since we accepted
17 comments from others, so we'll accept those as
18 well. What are your comments?

19 MS. SIMS: Okay. They are in four
20 sections.

21 HEARING OFFICER: Thank you very much.

22 MS. SIMS: Thank you very much.

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1 HEARING OFFICER: Yes, ma'am.

2 MS. SIMS: So my name is Jessica Sims.

3 I am -- I have six minutes when I get started?

4 HEARING OFFICER: Yeah. I think so.

5 MS. SIMS: I'm submitting comments this
6 evening on behalf of the Southern Environmental

7 Law Center, Appalachian Mountain Advocates, and
8 Appalachian Voices, who submitted joint comments
9 together. These comments go to the VWP and the
10 Upland certification.
11 My first point is that Transco has
12 failed to adequately consider less-impactful
13 crossing methods. Specifically, in its response
14 to comments on the proposed VWP individual permit,
15 DEQ claims that, quote, Crossing methodologies
16 have been adequately considered, end quote.
17 That is simply incorrect for several
18 reasons. To begin with, DEQ asserts that Transco
19 addressed micro-time, direct pipe, and guided
20 conventional boring, and that DEQ accepted
21 Transco's rationale regarding the use of these
22 so-called novel methods. We see nothing in the

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1 documents, however, to indicate that Transco, in
2 fact, considered these methods, or any other
3 trench-less methods, apart from conventional bore
4 and horizontal directional drilling.
5 Two, the limited analysis undertaken by
6 the U.S. geological survey and DEQ, does not at
7 all support DEQ's conclusion regarding the impacts
8 on water quality from Transco's proposed SSEP. In
9 its response to comments from both the VWP and the
10 tentative Upland certification, DEQ placed

11 substantial weight on what it deemed, quote, Two
12 critical studies to support its conclusion that
13 SSEP will not adversely affect water quality of
14 Virginia streams and wetlands. But these studies
15 cannot bear the weight DEQ placed on them, nor do
16 they refute the serious concerns raised in our --
17 in SELC, Appalachian Mountain Advocates, and the
18 cosigning organizations' November 2025 comments
19 with information provided by the experts, Robinson
20 Design Engineers.
21 The studies at issue stem from a joint
22 sampling project conducted by DEQ, VCU, and USGS

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1 on the mainline resulting in two reports that we
2 feel DEQ misunderstands.
3 Three, DEQ's position of the aesthetics
4 is not a review criterium for compliance with the
5 VWP program, as well as a matter of law. Placing
6 its response to comments, DEQ attributes its
7 failure to consider the aesthetic impacts of SSEP
8 in-stream and Upland construction with respect to
9 the streams and wetlands in SSEP's path by
10 asserting, quote, Aesthetics is not a review
11 criteria. That is not so.
12 A special conditions, C.1, of the draft
13 VWP permit recognizes the study guidance of
14 Virginia's waters are beneficial uses that must be

15 protected under the Clean Water Act and Virginia
16 Water Protection Program.
17 Four, DEQ must include these conditions
18 of the permits all matters upon which it relies to
19 justify its predictions of compliance with water
20 quality requirements. A review of DEQ's response
21 shows that DEQ has failed to include as
22 conditions, in either the draft VWP or the

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1 tentative Upland 401 certification, or both, all
2 of the requirements DEQ determined were necessary
3 to ensure compliance with water quality
4 requirements. In multiple points in its response
5 to comments, DEQ relies on the mistaken belief
6 that the Commonwealth can regulate SSEP under
7 variance non-VWP programs to support its
8 reasonable assurance determination.
9 The Natural Gas Act, however, only
10 allows state regulation of interstate pipelines
11 when the state is administering one of three
12 cooperative federalism statutes, the Coastal Zone
13 Management Act, the Clean Air Act, and the Federal
14 Water Pollution Control Act, or Clean Water Act.
15 If a particular act or action is
16 necessary to ensure compliance, then it must be
17 included as a condition of the Section 401
18 certification. DEQ has, for whatever reason,

19 attempted to silo reviews of the quality impacts
20 from Upland construction and from in-stream
21 construction. Accordingly, each permit needs to
22 include as a condition every compliance act or

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1 action that DEQ has determined necessary to ensure
2 compliance with water quality standards.
3 Five, DEQ must do more to analyze and
4 evaluate Transco's cumulative impacts. DEQ refers
5 to the cumulative impact analysis submitted by
6 Transco to FURC (phonetic) included in the joint
7 permit application as an excerpt from Resource
8 Report 1, that's filed in the Foot document of the
9 project. This is the same cumulative impact
10 analysis that SSEP, Appalachian Mountain
11 Advocates, and the cosigning organization, like
12 Appalachian Voices, provided detailed comments on
13 in our November 10th, 2025 submission. These
14 comments include expert analysis and reports of
15 engineering firm, Robinson Design Engineers, who
16 responds to comments and earlier states, The
17 content and conclusions of Transco's cumulative
18 impact analysis. Meaning DEQ fails to
19 substantively respond to the critiques made in our
20 comments and made by the experts in RDE.
21 Finally, DEQ does not have reasonable
22 assurance that the proposed project will not harm

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1 species and their habitat in violation of Virginia
2 law. The response to the county fails to suggest
3 that Virginia law and regulations require
4 protection of all of aquatic life and wildlife,
5 not just listed species. For example, with
6 respect to mussels, DEQ writes, Extreme crossings
7 associated with the SSEP has been reviewed and
8 mussel surveys performed, but mussels are located
9 there, and they failed to address the impacts on
10 those and other species.

11 For these reasons, I ask that you
12 respectfully deny the VWP and Upland certification
13 for the southeast supply project. Thank you.

14 HEARING OFFICER: Thank you for your
15 comments.

16 MS. DAVENPORT: The person who is
17 holding Ticket Number 352, please.

18 MS. COLLINS: Hi.

19 MS. DAVENPORT: Hi. Do you have a three
20 or six on your ticket?

21 MS. COLLINS: Three.

22 MS. DAVENPORT: Three, thank you.

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1 MS. COLLINS: Yes. Hello. My name is
2 Samantha Collins, and I'm also speaking on behalf
3 of Appalachian Voices. To continue with some of

4 what Jes was just mentioning, we believe that the
5 tentative Upland certification is not currently
6 sufficient.
7 DEQ has failed to address concerns
8 regarding several geo-hazards and upland features.
9 Namely, those sites that have susceptible soils,
10 deep slopes, and acid-forming soils. DEQ states
11 that the tentative certification conditions cover
12 all relevant upland projects and project
13 activities within the route approved by FURC. The
14 tentative upland certification does not even refer
15 to the presence of landslides susceptible soils,
16 or to the risk of landslides, much less require
17 Transco to implement the recommendations in its
18 geo-hazard assessment.
19 The two Upland certifications likewise
20 fails to address the steep slopes and size limits.
21 And, while the tentative Upland certification does
22 include conditions regarding acid-forming soils,

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1 DEQ has failed to address the need for Transco to
2 fully test for (indiscernible) materials before
3 any permit is issued for the project. Again, the
4 unsuitable soils, steep slopes, and acid-forming
5 soils are not covered on the Upland certification
6 conditions, as DEQ claims in its response to
7 comments. So if a particular act or acts is

8 necessary to ensure compliance with water quality
9 requirements, then it must be included as a
10 condition of a Section 401 certification.
11 With all of these things in mind, I do
12 urge the DEQ to deny the proposed Upland
13 certification, and to decline to issue a section
14 401 certification for the proposed project. Thank
15 you.
16 HEARING OFFICER: Thank you for your
17 comments.
18 MS. DAVENPORT: And then, the holder of
19 Ticket Number 353, please.
20 MR. PURGASON: I got six minutes.
21 MS. DAVENPORT: I was going to say, I
22 believe you have six minutes, yes.

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1 MR. PURGASON: I don't have to. I'll
2 try to move to the summary. My name is Gary
3 Purgason, and I'm just a farmer, and I'm just
4 going to make some comments.
5 HEARING OFFICER: Yes, sir.
6 MR. PURGASON: I want to thank you all
7 for taking the time to listen everybody's thoughts
8 about this unnecessary project, especially during
9 the holiday season. It seems to me that the facts
10 are clear. Just look at the evidence. We've all
11 witnessed it. The destruction of habitat caused

12 by the building of the MVP mainline and the
13 continued neglect of erosion and sediment being
14 dumped in creeks and the highways throughout its
15 path since its so-called completion.
16 I see it each time I travel through the
17 Rocky Mountain on my way to Smith Mountain lake.
18 Just get off Webster Road to where it merges with
19 the Golden View Road. You can't miss where the
20 pipeline crosses the road. There, that dirt is
21 always in the roads. Sediment stacks are on both
22 sides of the road, trying to control runoff that's

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1 on a deep, steep slope. They've been there since
2 the pipeline became operational two winters ago
3 now. You can see the (indiscernible) on each side
4 as it tries to stop the flow of water. I'm sure
5 there are many more like this up and down the
6 corridor, far too many. I hope we can all agree
7 that more of this is not what we want.
8 There are several new alternatives that
9 are being developed, almost daily, it seems. Boom
10 supersonic in Greensboro, North Carolina just
11 announced their new generators are being used to
12 generate electricity. Toyota's new battery plant
13 in Randolph County is producing batteries that
14 store more electricity, more efficiently, and for
15 longer periods. China is shifting to hydro for

16 energy. South Carolina has a new solar panel
17 building facility that just became operational.
18 More solar and wind projects are being built that
19 are faster to build, create more jobs,
20 (indiscernible) to stones, not to mention less
21 impactful to the environment. As we transition
22 away from fossil fuels, there would be a need for

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1 gas, but studies showed that we have enough
2 sufficient capacity for future demands. All
3 studies show that the data center bubble will soon
4 burst. This (indiscernible) that more fossil
5 fuels are needed to supply energy at these data
6 centers is just that, not true. The companies
7 buying this only want to connect pipes in order to
8 reverse flow so they can continue fracking for the
9 next 50 years. They are all hoping to export
10 their excess gas to the highest overseas bidders
11 and keep the prices high across the board,
12 affecting us all in higher energy prices.
13 Let's not let them. Deny the permit so
14 we can enjoy clean water, a healthier environment
15 for the ones that are impacted the most from this
16 sediment project. Thank you.
17 HEARING OFFICER: Thank you, sir.
18 Ticket 354 chose not to speak.
19 MS. DAVENPORT: Okay. Thank you.

20 HEARING OFFICER: Do we have any
21 additional speakers at this time? We'll wait till
22 7:30.

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1 MS. DAVENPORT: Yeah.
2 HEARING OFFICER: It's 6:25 right now.
3 All speakers that have currently signed up have
4 had the opportunity to do so, and we'll remain in
5 the auditorium until 7:30 p.m. to see if any
6 additional speakers sign up, and we'll allow them
7 to speak as well. Thank you.
8 MS. DAVENPORT: Thank you.
9 (Whereupon, a recess was taken.)
10 HEARING OFFICER: Good evening,
11 everyone. We will reconvene. It is now
12 7:30 p.m., and there are no more eligible speakers
13 who have signed up to speak. I hereby declare
14 this meeting adjourned as of this time, 7:30 p.m.
15 on Thursday, December 18th, 2025. Thank you
16 everyone for coming.
17 (Off the record at 7:30 p.m. EST.)
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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, Stephanie Hodges, the officer before
3 whom the foregoing proceedings were taken, do
4 hereby certify that said proceedings were
5 electronically recorded by me; that the foregoing
6 transcript, to the best of my ability, knowledge,
7 and belief, is a true and accurate record of the
8 proceedings; and that I am neither counsel for,
9 related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.

12 Notary Registration No.: 00352770

13 My Commission Expires: 01/31/2029

14

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17

18 STEPHANIE HODGES, NOTARY PUBLIC FOR

19 FOR THE COMMONWEALTH OF VIRGINIA

20

21

22

1 CERTIFICATE OF TRANSCRIBER

2 I, Jacalyn Mann, do hereby certify that
3 the foregoing pages, to the best of my ability,
4 are a true and correct transcription from the

5 official electronic sound recording and
6 annotations of the proceeding taken on December
7 18, 2025, in the above-entitled matter; and that I
8 am neither counsel for, related to, nor employed
9 by any of the parties to the case and have no
10 interest, financial or otherwise, in its outcome.

11

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13

14 Jacalyn Mann

15 December 20, 2025.

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