

ESNG Salisbury Loop WQC Hearing – 2024/11/07 18:15 EST – Transcript

Attendees

Alex Vazquez -MDE-, Andy Stansfield, Charles Stegman, Charlie Barnett, Danielle Spendiff -MDE-, Danielle Spendiff -MDE-'s Presentation, Heather Lankford, J. Moran Maisel, Jen Barnes, John Groutt, John Rue, Josh Riding, Josh Riding's Presentation, Judith Stribling, Kevin Birt, Madeleine Adams, Mark Parker, Nicholas Hammond, Speaker Protem, Theresa, William A. Nelson

Transcript

Danielle Spendiff -MDE-: So we should be recording.

Alex Vazquez -MDE-:

Danielle Spendiff -MDE-:

Danielle Spendiff -MDE-: And Alex, if you want to let everybody in.

Alex Vazquez -MDE-: Okay, done.

Alex Vazquez -MDE-: Everybody should be in now.

Danielle Spendiff -MDE-: Okay, it is 7 o'clock p.m. So, we are going to get started. I'd like to say good evening and I would like to welcome everyone to the Maryland Department of the Environment's public informational hearing for water quality certification request number 24-WQC-0038 tracking number 202361372 submitted by the Eastern Shore Natural Gas Company. My name is Danielle Spendiff and I am the chief of the regulatory and customer service division at the Maryland Department of the Environment which I will refer to as MDE or the Department. I will be the presiding official for this evening's public informational hearing. Also in attendance with me from the department is Alex Vazquez, Natural Resources Planner with the regulatory and customer service division.

Danielle Spendiff -MDE-: I would like to thank everyone for taking time to participate in the public process. Please be aware that this hearing is being recorded and the recording will be used to facilitate the final water quality certification decision. I also ask that everyone's microphones remain on mute unless you are presenting or providing comments. It is the responsibility of my office to evaluate requests for individual water quality certifications or WQC's under section 401 of the Clean Water Act, which requires Maryland as the certifying authority to determine whether the proposed project discharge associated with the Federal Energy Regulatory Commission known as FERC blanket certificate issued under section 7 of the Natural Gas Act 18 CFR 157.205 complies with the state's water quality standards. The department's authority is found in subtitle 9 of the environment article. Each certification request received through a regulatory program has specific and unique issues and impacts that must be considered with regard to Maryland's water quality standards. The department is neither a proponent nor an opponent of any project. The logistics for this evening's hearing are as follows: I will make a few opening remarks about the purpose of the public hearing and briefly list the proposed impacts. I will then call on Eastern Shore

Natural Gas Company or their representative for the applicant statement regarding their project. After these presentations, the department will facilitate public statements by first calling on any elected officials or their representatives to make a statement.

Danielle Spendiff -MDE-: I will then call on those of you who indicate that you wish to speak. It is not necessary to read a statement to make it part of the official record. Written comments will also be accepted and receive the same consideration as any oral statement. In fact, for accuracy, if you have a letter to read into the record, I suggest you also provide us with a copy of the letter via email or regular mail. We do not permit cross-examination of speakers during their presentations, but you may pose questions as part of your statement for consideration in our evaluation of the certification request. But please note that we will not be responding to questions or comments posed this evening. This venue is for the department to hear and record your public comments.

Danielle Spendiff -MDE-: At this time, I would like to acknowledge any elected officials or their representatives who may be present here this evening. If representing an elected official, please raise your virtual hand now to be recognized. Okay, I do see speaker protem.

Speaker Protem: Charlotte Harris for delegate Sheree Sample-Hughes.

Danielle Spendiff -MDE-: Okay, thank you very much. I will come back to you during the testimony portion, but we just wanted to see if we have any elected officials. So, thank you for that and for attending.

Danielle Spendiff -MDE-: With that, the department is conducting this evening's public informational hearing pursuant to Code of Maryland Regulations or "COMAR" 26.08.02.10F(2). The purpose of this public information national hearing is for the applicant to present an analysis of impacts that may be associated with the proposed activity. I would like to emphasize that the purpose of this public informational hearing is to consider the WQC request pending before the department and specifically any proposed impact to water quality. There may be concerns related to issues that are beyond the scope of this certification request and hearing. We would like for the hearing to remain focused on the water quality certification decision and specific water quality concerns.

00:05:00

Danielle Spendiff -MDE-: This public informational hearing is for Clean Water Act section 401 water quality certification request number 24-WQC-0038 with tracking number 202361372 submitted by Eastern Shore Natural Gas Company and received by the department on August 6th, 2024. The project proposes construction of approximately 6.1 miles of 10 inch pipeline in the Salisbury area of Wicomico County, Maryland. The Salisbury Integrity Project, formerly known as the Salisbury Loop, will use horizontal directional drilling to install the proposed natural gas pipeline. The project will use horizontal directional drilling to cross one intermittent stream and nine ephemeral ditches draining to the Wicomico River Watershed.

Danielle Spendiff -MDE-: use one waterway and I will now ask the applicant to provide a brief presentation of their proposed project. So I will unshare and allow them to share their presentation.

Josh Riding: Thank you, Danielle. Can you all see my screen?

Danielle Spendiff -MDE-: We can.

Josh Riding: Good evening, just want to introduce everyone involved in the project that we have on here this evening. First off, we have Mark Parker, who is the applicant. He's an engineer with Eastern Shore Natural Gas Company. We have myself. I'm Josh Riding. I'm the environmental consultant for the project, I'm with Geotechnology Associates. And we also have the engineer for the project on the call, Charlie Barnett, who's with Morris and Ritchie Associates. So, to start us off, I'll let Mark Parker give us a little bit of information about the project.

Mark Parker: Thanks Josh.

Mark Parker: Just so some background for Eastern Shore in this project. Eastern Shore Natural Gas is regulated by the Federal Energy Regulatory Commission better known as FERC. That's the agency responsible for regulating the interstate transmission of natural gas, oil, and electricity. This project will seek approval through FERC's prior notice process. This project is designed to enhance the safety and reliability of Eastern Shore's pipeline system, specifically on Lower Eastern Shore in the Salisbury area.

Mark Parker: Danielle did mention 6.1 miles that the project has been modified back to 5 and a half miles of 10 inch pipeline located in proximity to an existing pipeline in this area. And there will be an installation of a rupture mitigation valve. That's a FEMSA term for a facility that provides a shutdown valve location. That will be located on the southern terminus of the project. Thanks.

Josh Riding: So, just a little bit more about the project and how it'll be installed. So, there's a mix of installation methods being used. There will be some areas that are open trenched in the uplands and then there will be areas that are jack and bore and jack and bore and HD are methods that are used to reduce environmental impacts instead of having to cut through a wetland or water body and open them up and increase your risk for having sediment and all kinds of things go downstream. These methods drill down and install the pipeline beneath the wetlands stream and reduce your chance for environmental impacts.

Josh Riding: And anytime that there's drilling occurring, the path will be monitored to reduce any chance for potential issues. So the reason these methods were chosen is to reduce the environmental impacts to the maximum extent. And as Mark already noted, the entire point of this project is to bring the pipeline system up to modern safety standards. The project is planned in accordance with all applicable erosion and sediment control methods and safety and constructibility has been considered throughout the design process. Thank you very much for attending this evening. We look forward to hearing any comments or questions.

00:10:00

Danielle Spendiff -MDE-: Okay, thank you for that Josh. I will now ask any elected officials or their representatives who may be present if they would care to make a statement. We please ask that you limit your remarks to 5 minutes. I will then allow members of the general public to make a statement. Please raise your virtual hand and leave it raised until we call on you. When we call your name, we will unmute you and you may begin to speak. Please start by clearly stating your name and any interest which you may be representing. Speakers representing a group or organization are allotted 5 minutes to make their remarks and individuals are allotted three minutes for their remarks. Due to the number of attendees this evening, we will need to adhere to these time limits.

Danielle Spendiff -MDE-: Therefore, at the 30 second mark for all speakers, we will inform you of the time remaining for your statement. And at the end of those 30 seconds, we will thank you for your statement and call on the next speaker. So, with that, I will now open the floor for any elected officials or their representatives who would like to make a statement. And if you could please raise your virtual hand if you would like to do so. We will try to call on you in the order that we see I am seeing a hand raised for Heather Langford. Are you representing an elected official, or are you an elected official?

Heather Lankford: I'm the engineer for Wicomico County.

Danielle Spendiff -MDE-: Okay. Sure. Yes.

Heather Lankford: Can I speak? Okay.

Danielle Spendiff -MDE-: you have your hand up first. So we will give you five minutes for that.

Heather Lankford: My name is Heather Lankford. I'm the manager engineer for Wicomico County. I guess my biggest questions and/or concerns are the permitting from other agencies that are required and this is very close to the ferry and we are not sure if this will cause the ferry to need to be shut down. If it'll still be navigable waters. If it will request the roads to be shut down within that location due to the limited space. So those are some of the items that we have been discussing internally as of right now.

Danielle Spendiff -MDE-: Okay, thank you for those questions and comments. Charles Stegman, are you with an elected official? No. Okay. I'm going to just open the floor at this point then for whoever's next, which is Mr. Stegman. So we will take statements from any attendees at this point. Can you hear me? Charles, are you able to come off mute and provide your testimony? And if you're representing a group I will give you five minutes.

Danielle Spendiff -MDE-: And if you're just providing individual testimony, it will be three. So I am trying to let Charles Stegman provide testimony. I see a hand raised.

Charles Stegman: I'm sorry I was muted.

Danielle Spendiff -MDE-: Okay, great. We can hear you.

Charles Stegman: So I represent the Wicomico Environmental Trust and we are concerned about the proximity and the impact to the Salisbury water supply specifically the Paleo channel which is going to be very close to the pipeline and we're wondering if the company and the outfit laying the pipeline has looked at the potential impact on one of the best natural resources we have in Wicomico County, which is our water supply, our paleo channel.

00:15:00

Danielle Spendiff -MDE-: Thank you for that, do you have additional comments?

Charles Stegman: No, that's it.

Danielle Spendiff -MDE-: Okay, thank you.

Charles Stegman: Thank you.

Danielle Spendiff -MDE-: So, at this time, I'm not seeing any other hands raised to provide testimony, but just in case anyone joined recently, if you would like to make any remarks, please raise your virtual hand. that is in the lower right corner of your toolbar if you're not familiar with Google Meets and then I will call on you to provide your testimony. I'm seeing John Grout. So, if you are ready, you can come off mute and...

Danielle Spendiff -MDE-: go ahead.

John Groutt: a question that follows up with what Mr. Stegman had: Will there be monitoring wells along this pipeline so that we could know both when it's being constructed and when it's in operation whether there are leaks or other things that are affecting the groundwater which would be around it. That's the end of my questions. Thank you.

Danielle Spendiff -MDE-: Thank you. We've noted those. Any other questions or comments from attendees?

Danielle Spendiff -MDE-: Theresa? It looks like John Rue would like to speak next,

Danielle Spendiff -MDE-: So first I'm seeing Theresa. So, if you want to go ahead, Theresa, and then I'll call on you after. Thank you. Go ahead, Theresa. And if you could just come off mute, by clicking the microphone button.

Theresa: Can you hear me now?

Danielle Spendiff -MDE-: I can.

Theresa: Okay, great. I'm a resident on Connelly Mill Road in Delmar, Maryland, which is on the north end of where I think this project is going. And I got a couple questions. The Wood Creek area where it's kind of dried up right now, but there's usually a small pond there that runs the overflow from Delmar into and across Leonard's Mill Pond. And my question is: I know it looks like the way you're coming from, you're going to be boring underneath that area and I'm just wondering the impact it will have on that pond or ditches around those areas. I think the gentleman mentioned nine ditches involved. I'm not sure if this is considered a ditch or a waterway or what, but I'm concerned with that.

Theresa: And the second question I have is: My well is about 50 feet from where those pipes are going to be run and I'm just wondering [about] any impact on that.

Danielle Spendiff -MDE-: Okay, thank you. And then next up I have John Rue.

John Rue: Good evening everyone.

John Rue: My name is John Rue. I'm a resident on Leonard's Mill Pond. My property is on the south shore of the North Prong. I'm concerned about the area that this pipeline is going through the wetlands. The non-tidal wetlands. And in the map that you provided, I think map number 11, the representation was made that the pipeline was going to go and travel along near the path of the railroad as it goes through the wetlands.

John Rue: Is that a correct statement?

Danielle Spendiff -MDE-: I don't have the map pulled up right now. but we're recording the hearing so we can get back to you with a direct response if you just have a question on the location.

John Rue: No, I have more than that. I also have a question about: there was an operation on the western shore. Is this pipeline going to be drilled underneath the ground in that area or...

John Rue: is it going to be above ground?

Danielle Spendiff -MDE-: we're here just to provide information but not answer questions during this hearing, but we can certainly if you wanted to provide your contact information to us,...

Danielle Spendiff -MDE-: Alex's email is on the screen and we can answer any questions.

John Rue: Well, the problem I have, and I think it ought to be made known to everybody that's aboard here, is that number one, I'd like to know if the pipeline is going to be above ground or underground as it follows the railroad. I also had some information that this same drilling they are proposing was done on the Western Shore, and there were some real problems with damage that was done to the wetlands. And I understand one of the banks involved was pulling out of the financing because of the damage and the other problems with this kind of drilling. And that's what I'm concerned about the proximity to the railway coming through the wetlands and the impact it's going to have on the wetlands. And I don't know who'll get back to me. Will it be MDE get back to me or who would be getting back to me?

00:20:00

Danielle Spendiff -MDE-:

Danielle Spendiff -MDE-: we can provide you with the plans that are specific to the area you're asking about.

Danielle Spendiff -MDE-: And I'm...

John Rue: I have that in the map.

John Rue: What I'm trying to find out is the information about there was a lawsuit or something on the Western Shore involving the same kind of drilling on a pipeline and I'm trying to get some information if you guys were aware of that and what precautions are going to be taken to avoid whatever happened there happening on our wetlands here. That's my question.

Danielle Spendiff -MDE-: Okay, noted. Thank you.

John Rue: And is Mr. Vazquez still here?

Danielle Spendiff -MDE-: She is attending.

Alex Vazquez -MDE-: Yes, it's Miss

John Rue: So, is MDE sponsoring this or who is the agency that is sponsoring this?

Danielle Spendiff -MDE-: No, I'm sorry.

Alex Vazquez -MDE-: We don't sponsor anything.

Danielle Spendiff -MDE-: So, we are just holding this informational hearing related to the water quality certification request before us from Eastern Shore Natural Gas Company.

John Rue: I'm sorry. Now, you say we. Who are you representing?

Danielle Spendiff -MDE-: So, I'm with the Maryland Department of the Environment. Yes.

John Rue: What I can do is I can just email Alex Vazquez and just give you my contact information. I apologize, but I'm on my iPhone. I'm away from the house and all my controls are I just can't see much of anything. But those are my main concerns. The impact it's going to have on the wetlands that it's flowing through, the proximity to the rail, whether or not it's going to be below ground. If it's below ground, what precautions are going to be taken to avoid the incident that occurred over on the western shore that as I understand, is kind of resulting in a real mess over there. Thank you.

Danielle Spendiff -MDE-: Okay understood, Thank you. And I'm seeing William A. Nelson. You would like to come off mute and provide your testimony or questions, William?

William A. Nelson: Yes. Can you hear me now?

Danielle Spendiff -MDE-: I can.

William A. Nelson: I'm speaking as a private citizen, but taking a kind of 50,000 yard view, I have a question about the utility of a gas pipeline in general, it would have been great conversation to have in 1990, but in 2024 with all the increasing evidence about climate change and fuel dependence on fossil fuels and having to get away and electrify things,

William A. Nelson: I just even wonder about the utility of creating an infrastructure that we're going to be dependent on for generations to come when it would lock us into what is already to my mind an old technology. Is this really the best way that we can spend our money is to extend a natural gas pipeline? That's my question.

Danielle Spendiff -MDE-: Okay, thank you. Appreciate that. Any other persons wishing to testify or provide comments or questions? Jen Barnes, see your hand raised.

Danielle Spendiff -MDE-: You can come off mute. Yes.

Jen Barnes: Thank you.

Jen Barnes: Can you hear me? Okay, thank you. I'm a citizen of Wicomico County and admittedly I have not been present on any kind of meeting like this in any prior time. But I was a little surprised at the shortness of the presentation of the project. the shortness of detail. I'd be very interested to learn more about where exactly the drilling under the wetlands will occur.

00:25:00

Jen Barnes: I feel like there was very few details provided to us who have taken our time to show up tonight by the organization that is making this proposal. a little disappointed in that's the extent of my comments. Thank you.

Danielle Spendiff -MDE-:

Danielle Spendiff -MDE-: Okay, thank you. I apologize if people are not able to see this, but I'm going to just go ahead and post the link for our project page in the chat and that does have project plans available

and the information that the department has. So, I just wanted to share that directly if anyone does not have Any additional comments or questions.

John Rue: This is John Rue again. Are there going to be any additional hearings or is this the last one before it moves forward?

Danielle Spendiff -MDE-: This is the informational hearing, but as I said earlier, we are accepting you don't need to testify at the hearing to have your comments considered.

Danielle Spendiff -MDE-: We will accept written comments as well. And after the end of testimony, I'll be providing more information on how you can provide comments.

John Rue: Thank you very much.

Danielle Spendiff -MDE-: last call for anyone wishing to provide comments or questions. not seeing any hands raised. So, with that, I have a few closing statements. This hearing record will remain open for two weeks until 11:59 p.m. on Thursday, November 21st, 2024.

Danielle Spendiff -MDE-: The comments received during the public comment period will become part of the project file and will be considered by the department when rendering a decision on certification request number 24-WQC-0038 with a tracking number 202361372. Unless extenuating circumstances justify an extension of time, the department is obligated to issue, deny, or waive certification of this project prior to expiration of the reasonable period of time as determined under section 401 of the Clean Water Act, which is August 6th, 2025. The department's decision and accompanying information will be sent to the interested persons list, the applicant, and FERC.

Danielle Spendiff -MDE-: Any person who is aggrieved by the department's decision may appeal the decision by filing a request within 30 days of publication of the WQC decision in accordance with COMAR 26.08.02.10(F4). And if you're unsure if you are on the interested person's list, if for example you learned of the hearing through MDE's website, please contact me directly to be added to that list. And Alex, if you could go ahead and type my email into the chat as well. but you can also provide your information to alex.vazquez@maryland.gov [which is up on the screen] if you wish to be added to the interested person's list.

Danielle Spendiff -MDE-: So on behalf of the Maryland Department of the Environment, your interest in this project and attendance at this evening's hearing is appreciated. This hearing is now adjourned. Thank you all for attending and have a good evening.

Meeting ended after 00:37:48

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