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6 RECORDED INTERVIEW
7 OF
8 JENNIFER BURDETTE
9 Friday, October 4, 2019
10 8:58 a.m.
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12 In Re: NC DEQ Interviews
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1 A P P E A R A N C E

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3 JENNIFER BURDETTE

4 Interviewee

5

6 KEVIN GREENE

7 Eagle Intel Services LLC

8

9 THOMAS BEERS

10 Eagle Intel Services LLC

11

12 BILL LANE

13 North Carolina Department of Environmental Quality

14

15 DREW HARGROVE

16 North Carolina Department of Environmental Quality

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

2 MR. GREENE: Okay. Today's date is October 4,
3 2019. My name is Kevin Greene. Our company, Eagle
4 Intel Services is contracted with the North Carolina
5 General Assembly Subcommittee on the ACP for the
6 purpose of gathering and reporting information back to
7 the committee. We're recording this interview. I
8 would like to have each person present to state their
9 name, position and also to acknowledge that you
10 understand that this interview is being recorded. So
11 I'll start with my partner.
12 MR. BEERS: Tom Beers. Yes, I know it's being
13 recorded.
14 MR. LANE: Bill Lane, DEQ.
15 MS. BURDETTE: Jennifer Burdette. I
16 understand this is being recorded.
17 MR. HARGROVE: Drew Hargrove, DEQ.
18 MR. GREENE: Thank you. And Mr. Lane, would
19 you like to add something?
20 MR. LANE: Yes, thank you. This is Bill Lane,
21 General Counsel for DEQ. I'd like to clarify that this
22 interview will end -- we are starting at 9:02 a.m. it
23 will end no later than 10:00 a.m. It is being recorded
24 by audio by both parties. The questions in this
25 interview will be related to the witnesses' official

1 duties related to the 401 Water Quality Certification
2 for the Atlantic Coast Pipeline project. So there will
3 not be questions about the witnesses' work on other
4 projects or the witnesses' personal life.
5 MR. GREENE: Okay. Thank you. Thank you all.
6 We appreciate your time. We'll just start out. You've
7 already stated your name, Ms. Burdette, but, would you
8 give us a brief history of your employment with DEQ
9 just when you started and your positions that you had?
10 MS. BURDETTE: Yes, I started, I believe in
11 2013 as the 401 and Buffer Coordinator for the 401 and
12 Buffer Permitting, maybe unit at that time, but
13 probably changed to branch while I was there.
14 MR. GREENE: Okay.
15 MS. BURDETTE: And I resigned to go to private
16 employment, maybe February of 2018, I believe the 1st,
17 February of 2018.
18 MR. GREENE: Okay. Thank you. So during
19 2017, all of 2017 and then just probably one or two
20 months into 2018, your official position was -- or your
21 official title was?
22 MS. BURDETTE: The 401 Buffer Coordinator.
23 MR. GREENE: 401 Buffer Coordinator. Thank
24 you. And in that position, what was your chain of
25 command? What department -- I'm assuming this is the

1 water quality, but can you give us a brief of what your
2 chain of command was?
3 MS. BURDETTE: Yes, my supervisor was Karen
4 Higgins. And there were some changes as far as her
5 supervisor, but towards the end it was Jeff Poupart,
6 who was Chief of the -- I want to say chief of -- I
7 know there's so many different departments, I get
8 confused sometimes. But that was my chain.
9 Mr. GREENE: A lot of chiefs in the (cross
10 talk).
11 MS. BURDETTE: It was Karen Higgins and then
12 Jeff Poupart was her superior.
13 MR. GREENE: Okay. Did you manage anyone?
14 MS. BURDETTE: No, I did not manage --
15 MR. GREENE: Okay.
16 MS. BURDETTE: -- when I was here.
17 MR. GREENE: All right. And so Mr. Poupart
18 and Ms. Higgins, and you said there was a change, was
19 that Mr. Zimmerman?
20 MS. BURDETTE: Yeah, let's see. Okay, so then
21 above, Jeff would have been the director. And it's
22 been a while since I've been here. They changed a lot.
23 So, oh, wow, is his name escaping me, Tom Reeder
24 (phonetic).
25 MR. GREENE: Okay.

1 MS. BURDETTE: It was when I first got here,
2 then it was Jay Zimmerman after that.
3 MR. GREENE: Okay. Thank you.
4 MS. BURDETTE: Sorry, I don't remember those
5 names so well.
6 MR. GREENE: Well, we'll just go ahead and
7 start, what was your involvement? I guess your -- your
8 duties with the ACP permitting process. Can you kind
9 of just give us a little bit of background on what you
10 did and describe what you did and how you did it?
11 MS. BURDETTE: Yeah, being the 401 Buffer
12 Coordinator in the central office I usually handled
13 individual permits. Those are the permits that are
14 elevated, not the routine nationwide permits for minor
15 projects. So I handled all the individual permits and
16 the buffer variances with the -- with the Environmental
17 Management Committee commission presenting those. When
18 this project first began, it was thought that it would
19 be an individual permit, because it was such a large
20 project. But the Corps of Engineers decided to process
21 it as a nationwide crossing several regions, it stayed
22 in my -- as my responsibility being in the central
23 office because it crossed those multiple regional
24 office territories.
25 MR. GREENE: Okay. All right. So an

1 individual permit, is their differences and can you
2 explain those?
3 MS. BURDETTE: Sure. So the individual permit
4 refers to the Clean Water Act Section 404 Permitting.
5 And they, for those -- those Section 404 permits are
6 divided, there's two, there's a few types, but the main
7 ones that they -- they deal with are nationwide permits
8 for very minor activities with impacts that are below a
9 threshold for what they consider gets elevated to a
10 Individual Permit. And the Corps of Engineers decides
11 which permit method they will use to permit a project.
12 And then the 401 certifies that permitting process that
13 the Corps now chooses to go through. That individual
14 permit process is a more rigorous review.
15 MR. GREENE: Okay. And are there different
16 standards within the states? I mean, you have the
17 Corps of Engineers, do they have their standards and do
18 the states have their regulatory standards? Or is it
19 all the same?
20 MS. BURDETTE: I'm not sure I follow you.
21 MR. GREENE: Okay.
22 MS. BURDETTE: Help me out a little bit.
23 MR. GREENE: So the Corps of Engineers, they
24 make the decision as to what's going to be an
25 individual permit.

1 MS. BURDETTE: Uh-huh.
2 MR. GREENE: And then as an individual permit,
3 the state has certain regulations for that 401 permit.
4 MS. BURDETTE: Uh-huh.
5 MR. GREENE: So do those vary across state
6 lines?
7 MS. BURDETTE: Don't -- I mean, I'm sure they
8 do. They're -- all the states are different.
9 MR. GREENE: Right.
10 MS. BURDETTE: You know, as far as how they
11 handle the 401 --
12 MR. GREENE: But North Carolina has their set
13 of I don't know what you call it, regulations or --
14 MS. BURDETTE: Sure, rules and rules.
15 MR. GREENE: -- that rules that you would
16 follow?
17 MS. BURDETTE: Yes.
18 MR. GREENE: All right. And you've already
19 kind of touched on it, how it works. But kind of go
20 through the 401 certification process. What has to be
21 done? We're aware, we'll get into some of this other
22 stuff like the hearing officers report. But just kind
23 of give us a general background of specifically
24 regarding the ACP permit, 401 permit, what had to be
25 done?

1 MS. BURDETTE: Well, we review the project to
2 make sure it meets the six criteria that are listed in
3 the rule for issuance of a water quality certification.
4 Those are well; practical alternatives, minimizing and
5 avoiding impacts, mitigation, degradation of surface
6 water and groundwater, cumulative and secondary
7 impacts, How many did I just list? There are six,
8 like I'm missing one.
9 MR. GREENE: Okay.
10 MS. BURDETTE: Oh, storm water controls,
11 that's it -- very good, storm water controls are on
12 site storm water for post construction, storm water
13 treatment.
14 MR. GREENE: So is there a first step in
15 starting all this, it seems like a lot of stuff to do?
16 What would you normally start with?
17 MS. BURDETTE: Well, we start with reviewing
18 the application for its completeness. Did we have all
19 the information that we need to review the project to -
20 - to apply those six criteria that I listed. There's
21 also -- well, it's a -- there are also public notice
22 requirements, it was decided to process this as an
23 individual permit. So that requires a public notice.
24 And reviewing the project and getting that public input
25 as part of that review process.

1 MR. GREENE: Okay. And how is the public
2 notice and their input? How's that affect what you
3 were doing?
4 MS. BURDETTE: So we conducted two public
5 hearings. And we collected comments from the public
6 and of course, comments during the public hearing, and
7 then comment, written comments that were submitted
8 during that comment period. We reviewed all those
9 comments, categorized them as to whether they were
10 duplicate, you know, the different issues that were
11 brought up. And then we considered all those comments
12 in reviewing those six criteria in our review.
13 MR. GREENE: Okay. So that the application,
14 do you recall when the application was first submitted
15 in this -- in the ACP 401?
16 MS. BURDETTE: I don't really recall the date.
17 I'm sorry.
18 MR. GREENE: Okay. All right. Prior to the
19 application process, were you involved in the ACP
20 project, prior to them filing a formal application?
21 MS. BURDETTE: Yes. So applicants have the
22 ability to ask for what they call pre-application
23 consultation. And so we had meetings with the Corps of
24 Engineers, me as a representative of the Division of
25 Water Resources, and meetings at the Corps of Engineers

1 office, just being introduced to the project, general
2 questions about the project, and just some, some
3 familiarity with -- with how (phonetic) FERC (phonetic)
4 you know, their projects are processed and guidance for
5 how to comply with our roles.
6 MR. GREENE: Okay. And do you know, when that
7 began?
8 MS. BURDETTE: I base that on the project
9 number that is given, those are based on the year in
10 which they were started, and that was 2014.
11 MR. GREENE: 2014. So between 2014, and I
12 think the application was filed in May of 2017. Does
13 that sound right to you? We can go back and look, but
14 --
15 MS. BURDETTE: I -- it was, it was later on, I
16 remember that.
17 MR. GREENE: Right. So during that whole
18 process, is -- you called it like a pre-application
19 type screening, or --
20 MS. BURDETTE: Yeah. So there's a lot of
21 information they need to collect, in order to apply for
22 a permit. They need to delineate the surface waters
23 and wetlands. And in there, we also have that
24 overlapping program of the riparian buffer rules. And
25 so they came to talk to us back in 2014, I believe,

1 before they had completed all of their fieldwork and
2 assessments of natural resources. And you know, they
3 delineate, then they meet with the Corps of Engineers,
4 and the Corps of Engineers verifies that their
5 delineation is accurate. And then an overlapping step
6 is the riparian buffer rules that each stream that is -
7 - that is applicable to the buffer rules has to be
8 verified that it's subject or not subject. So that
9 took quite a bit of time. So a lot of that time period
10 was them completing their fieldwork, and those
11 verification process of the -- of their accuracy of
12 their delineations and subjectivity.
13 MR. GREENE: Okay. So I guess, I'm trying to
14 understand it is -- so they're trying to get the
15 information to put in the application for review, so
16 they're working with you to do that, or they're working
17 with DEQ in this case, the Water Quality Division to do
18 that up front.
19 MS. BURDETTE: Yeah.
20 MR. GREENE: Okay.
21 MS. BURDETTE: Yes.
22 MR. GREENE: That makes sense.
23 MS. BURDETTE: They basically come to find out
24 what, you know, what is subject and --
25 MR. GREENE: Right.

1 MS. BURDETTE: -- and before they go.
2 MR. GREENE: So do they have an understanding,
3 I think you mentioned those six, those six criteria
4 that you look at. Do they have an understanding of
5 each and every one of those at that point in time?
6 MS. BURDETTE: I don't recall whether we
7 discussed each of those criteria at that time.
8 MR. GREENE: Okay. And this is kind of -- as
9 a general question. But, have you had experience
10 dealing with similar projects of this size?
11 MS. BURDETTE: While at DWR, no.
12 MR. GREENE: Okay. I'm assuming this was the
13 kind of the most significant or largest project, I
14 guess, how would you categorize this project? As would
15 you categorize it by size, you categorize it by the
16 work that has to be done?
17 MS. BURDETTE: From geographic extent, it was
18 definitely a large project.
19 MR. GREENE: Okay. Okay. That makes sense.
20 And this project, compared to others that you worked
21 on, what were some of the variances or what were some
22 of the things that may have differed from other
23 projects?
24 MS. BURDETTE: Well, it's linear nature. A
25 lot of linear projects, are more transportation

1 projects that are in a different group, than the group
2 I was in. There's a separate transportation unit that
3 handles those. So most of my experience was from a
4 single footprint project more than a linear project.
5 MR. GREENE: Like roadways and stuff would be
6 linear?
7 MS. BURDETTE: Roadways and utility lines.
8 And lots of utility lines, although they're linear,
9 they don't cover the same geographic extent. So they
10 would have been handled in the -- in the regional
11 office, as opposed to the central office, because they
12 were nationwide permits that were of a small scale.
13 MR. GREENE: Okay. And because this, the
14 magnitude of this project, were there different methods
15 of approvals? Were there different strategies as how
16 to deal with it than other projects?
17 MS. BURDETTE: As an individual permit, it --
18 it had the additional, the six criteria applies to both
19 general certifications and individual permits. The
20 difference being the public involvement, the public
21 hearings and the public comment would be the
22 difference.
23 MR. GREENE: Okay. And so when you had those
24 public hearings, and you get the comments, then those
25 have to be addressed within the permitting process?

1 MS. BURDETTE: Yes, the hearing officer's
2 report addresses those.
3 MR. GREENE: Okay. And who was the hearing
4 officer in this -- in the ACP project?
5 MS. BURDETTE: Brian Wrenn.
6 MR. GREENE: Okay. And you -- did you work
7 closely with Brian Wrenn?
8 MS. BURDETTE: Yeah.
9 MR. GREENE: How does that relationship in
10 your position and the hearing officer, how does that, I
11 guess you say, how does that mesh?
12 MS. BURDETTE: Well, we participated in the
13 public hearings. He was the hearing officer. I
14 presented just a background overview of the project.
15 When it came to reviewing the project, we did consult
16 as far as meeting those six criteria and how each
17 comment related to the six criteria required for
18 reviewing the projects. Provided information that was
19 -- that was also, you know, provided for the permit
20 application to make sure that Brian had all the
21 information regarding the application.
22 MR. GREENE: Okay. Do you recall how many
23 public comments you had?
24 MS. BURDETTE: No I don't, actually.
25 MR. GREENE: Do you recall what the primary

1 concerns or comments were or positive or negative for
2 the pipeline?
3 MS. BURDETTE: One comment was about the
4 necessity of the project for energy policy was probably
5 an overarching one we received.
6 MR. GREENE: What energy policy, what did you
7 (cross talk)
8 MS. BURDETTE: Oh, as in the public, not
9 believing that North Carolina should invest in this
10 infrastructure or allow this investment in
11 infrastructure and in fossil fuels.
12 MR. GREENE: Okay. Do you recall any other
13 comments?
14 MS. BURDETTE: Oh, yeah. Water quality
15 concerns about the extent of the project, the number of
16 crossings, the amount of impacts -- I mean stream
17 crossings and wetland crossings that is. Safety was
18 another issue that came up. Water, groundwater wells,
19 people being concerned about their wells being affected
20 by construction of the project. Issues with sediment
21 erosion control, you know, degradation of downstream
22 water quality from construction of the project. And
23 operations too.
24 MR. GREENE: Were there concerns by these
25 public hearings about the cumulative and secondary

1 impacts?
2 MS. BURDETTE: Yes.
3 MR. GREENE: And can you kind of summarize
4 what those concerns were?
5 MS. BURDETTE: That the project would, that
6 not just the construction of the project itself, but
7 the -- constructing the project, it would result in
8 additional development that would have an impact on
9 water quality.
10 MR. GREENE: And how did you address that, as
11 one of those issues, how do you make a determination or
12 what's the criteria to make a determination on the
13 cumulative impact?
14 MS. BURDETTE: So the cumulative impact is
15 tied to additional development that would have an
16 impact on water quality. And we have a guidance policy
17 that we used at the time to evaluate that. We went
18 with a qualitative review.
19 MR. GREENE: Can you explain that a little
20 bit?
21 MS. BURDETTE: Yeah. So I mean, from -- I
22 mean, I only remember, it's a -- I haven't looked at
23 this in a long time. But looked at, I asked them to
24 provide an analysis of what they anticipated from
25 secondary development resulting from the project. We

1 learned that the project, through the process that
2 transmission line, not anybody can tap into a
3 transmission line, anywhere along the line. So we
4 focused on the metering stations, there were three
5 metering stations that were here in North Carolina, as
6 that's where development could actually have access to
7 the, to the new gas that was being provided. And we
8 asked for them to out -- and provide an analysis of
9 that.
10 MR. GREENE: They being the ACP partners?
11 MS. BURDETTE: Yes, the ACP, the applicant to,
12 to look through and predict what type of development
13 they expected. And then through back and forth, to
14 then relate that development to whether it would impact
15 water quality or not. And that related to, you know,
16 were there already storm water controls in place for --
17 that would protect water quality from that additional
18 development. And then also looking at 303D streams,
19 streams that are impaired, quality impaired to make
20 sure that that those were protected.
21 MR. GREENE: Okay. So you focused around the
22 metering stations primarily for the impact. And those
23 were, do you recall where those were?
24 MS. BURDETTE: Was it Johnston, Cumberland,
25 and Robeson.

1 MR. GREENE: Thank you. What about the
2 environmental justice? How did that play into the
3 permitting process?
4 MS. BURDETTE: Because it wasn't part of the
5 six criteria, we looked to the department to assist us
6 with the environmental justice aspect. And we did
7 participate in some public meetings, what we called
8 listening sessions. I can't honestly remember if I
9 went to them or not, I went to -- I went to some, it
10 blurs, I can't remember. But that wasn't within our
11 six criteria that that we reviewed, that I remember.
12 MR. GREENE: Okay. And you look to the
13 department regarding that, so it's not within the six
14 criteria, but it's necessary?
15 MS. BURDETTE: It was certainly, from an
16 overall standpoint, considered. And we -- I do
17 remember, our department assisting with outreach,
18 sending, basically sending notices to -- everywhere
19 along the pipeline, about the public hearings.
20 Reaching out more than our usual advertisements for a
21 public hearing, but actually sending notices to
22 churches and post offices and basically any community
23 center that was along the pipeline to make sure people
24 understood we were having these meetings and had the
25 opportunity to speak.

1 MR. GREENE: Okay. Can you define
2 environmental justice?
3 MS. BURDETTE: Sure. That projects aren't
4 sited in areas where there are minority, economically
5 minority or, or culturally minority people who -- that
6 the project isn't located on the property. That is --
7 all right, I am stammering -- that is --
8 MR. GREENE: Yeah. Take your time. That's
9 fine.
10 MS. BURDETTE: That is -- where there's a
11 preponderance of those populations, and that those
12 folks are considered.
13 MR. GREENE: Okay. As you said, it's not a
14 requirement for the Department, correct, the
15 environmental justice. Or was the department did they
16 make that a requirement? In any way to make this a
17 condition?
18 MS. BURDETTE: I don't know.
19 MR. GREENE: No.
20 MS. BURDETTE: I mean, I -- to be honest, I
21 did, I did not, I was much more peripherally involved
22 with that aspect than reviewing the project from a very
23 technical standpoint over the six criteria.
24 MR. GREENE: Okay. So you can't speak to
25 that how the department's policies were put into play

1 with this permit?
2 MS. BURDETTE: I don't remember. I mean, I'm
3 sure it was discussed and I'm sure it was around when
4 it was discussed. But it wasn't my primary
5 responsibility. So I don't recall -- other than those
6 listening sessions and outreach.
7 MR. GREENE: Who was -- whose primary
8 responsibility was that?
9 MS. BURDETTE: The department I believed.
10 MR. GREENE: Was there a single individual
11 assigned for that duty?
12 MS. BURDETTE: I don't recall, other than the
13 Public Information Officer being involved, Bridget
14 Munger, but I don't, I can't tell you whether that was
15 her responsibility, or whether she was just a point
16 person I remember.
17 MR. GREENE: Okay. Do you know how much time
18 you spent on environmental justice?
19 MS. BURDETTE: Myself, it was mostly -- I did
20 attend one meeting with the -- all right, I'm going to
21 -- try not to butcher their name, Halo Wasapony
22 (phonetic), is that right. Did I get that right?
23 Tribe. They hosted a meeting and an information session
24 and I attended that one. And I can't remember, I don't
25 believe I attended the listening sessions. I don't

1 remember.
2 MR. GREENE: Okay. Thank you.
3 MS. BURDETTE: I mean, I did the public
4 hearing. So, I -- I don't think there were follow up
5 listening sessions, and I don't believe I participated
6 in it. But I may have, I can't -- I do not remember.
7 MR. GREENE: And kind of backing up a little
8 bit the process, the timing of it, the process to
9 complete or to deny the certification.
10 MS. BURDETTE: Uh-huh.
11 MR. GREENE: Can you give us a brief
12 background on that?
13 MS. BURDETTE: Yeah. So when an applicant
14 submits an application, we have a 60 day time clock for
15 reviewing that application. And unless we find that
16 there's additional information needed for the project
17 to review the application. And whenever we asked for
18 additional information, it, it, it resets that clock.
19 Well, that clock doesn't reset until the applicant
20 provides the additional information that was requested.
21 MR. GREENE: Okay. And in this case, you had
22 multiple requests for additional information.
23 MS. BURDETTE: Yes.
24 MR. GREENE: Do you recall how many?
25 MS. BURDETTE: Not exactly, but I estimate

1 three or four felt like it was but there was quite a
2 bit of back and forth where there was addendums to
3 additional information provided that makes a little --
4 MR. GREENE: All right. And do you -- do you
5 recall what those requests involved like for each one?
6 MS. BURDETTE: I remember the later ones more
7 than I remember the early ones.
8 MR. GREENE: Okay.
9 MS. BURDETTE: I remember one issue being
10 their proposal or their plans for completing the
11 crossings in the dry. And you know, that would be
12 pumping the water around as they completed these
13 crossings that we had quite a bit of back and forth
14 about that. Also about minimizing the impact to well -
15 - you know can you adjust the alignment this direction
16 or that direction to have less wetland impact, or
17 less, you know, fewer stream crossings. That was one.
18 And then we also had a -- one of -- one of our
19 additional informations was after the public comment
20 period where we went through and basically anything we
21 hadn't asked about before that the public brought up,
22 we made sure to ask the applicant to address those
23 comments that were of public concern, I don't know.
24 And then, of course, I believe the last one was more
25 about the, that secondary and cumulative impact

1 analysis.
2 MR. GREENE: Now , do they have an
3 understanding of -- they obviously have an
4 understanding of what's required during the process.
5 So is it something that in the first information
6 requests, you were trying to gather information or
7 gather questions that needed to be answered and combine
8 it all in one request? Or do you, and would you
9 intentionally have different requests for different I
10 guess, questions of like cumulative impact, or the Dry
11 Creek (phonetic) stuff? Would you categorize it? Or
12 would it all be like -- you could do it one request?
13 MR. LANE: Can you clarify that just a little.
14 That was a long question.
15 MR. GREENE: I'm sorry.
16 MR. LANE: Maybe break it down.
17 MR. GREENE: To clarify it. Could everything,
18 every request for additional information be put in one
19 request?
20 MS. BURDETTE: Not always. Sometimes the
21 information the applicant provides you have additional
22 questions. And the, that we would, you know, when we
23 get additional information would lead to further
24 questions. I can't say that once in a while you would
25 -- you would add something that you may have seen but -

1 - or may have been in there, but you didn't notice
2 before and you go ahead and ask about it.
3 MR. GREENE: Okay. Did you participate in the
4 weekly staff meetings?
5 MS. BURDETTE: Yes.
6 MR. GREENE: And when did they start in the
7 process?
8 MS. BURDETTE: I don't remember.
9 MR. GREENE: Okay. And what were the --
10 MS. BURDETTE: And I frankly didn’t remember
11 they were weekly either. Sorry.
12 MR. GREENE: Okay. That's okay.
13 MS. BURDETTE: Let me just correct that. I
14 mean, I knew we -- I knew we had them regularly, but I
15 couldn't remember that, it's they were what, you know
16 whether it was weekly or not.
17 MR. GREENE: Right. Was that normal or was
18 that something that was a little bit different from
19 other permitting projects that you worked on?
20 MS. BURDETTE: Yes, that was an additional
21 part of the process.
22 MR. GREENE: Okay.
23 MS. BURDETTE: But for the size of the project
24 and the number of department -- or excuse me divisions
25 that were involved in the -- this project.

1 MR. GREENE: And, I believe there is at one
2 point the secretary's office asked you to -- or asked
3 each department to notify them prior to sending
4 communications to the applicant, do you recall that?
5 MS. BURDETTE: I don't remember. I mean in
6 general, no. I mean I don't remember specifically like
7 when that was required, when it wasn't or I know
8 towards the end we were coordinating more but I don't
9 remember the process other than Jeff Poupart signing
10 those letters and it going up that chain of command.
11 MR. GREENE: Who would normally sign them?
12 MS. BURDETTE: Karen Higgins usually signs
13 most of the…
14 MR. GREENE: Requests for additional
15 information?
16 MS. BURDETTE: Right.
17 MR. GREENE: Okay. And you just mentioned the
18 coordination of the departments more towards the end,
19 what do you mean by that?
20 MS. BURDETTE: Just that we would have those
21 meetings and they would ask where you are in your
22 process, you know. Are you -- do you need more
23 information for your review? Have you asked for it?
24 Have you got it back it, you know, and a lot of that
25 too was also coordination with those public meetings --

1 the planning and set up for those public meetings.
2 MR. GREENE: Did you ever meet with anyone --
3 did you ever meet with the secretary or someone in the
4 secretary's office regarding the ACP?
5 MS. BURDETTE: Tell me who is -- who would
6 that be? I know I just forgot my division director's
7 name.
8 MR. GREENE: Yeah. Secretary Reagan,
9 Assistant Secretary Nicholson I believe at that time.
10 MS. BURDETTE: He was part of -- I recall him
11 being part of some that one listening session we had.
12 Sheila Holman, I can't remember what she -- what her
13 title was.
14 MR. GREENE: Okay.
15 MS. BURDETTE: Was she in the secretary's
16 office? No, I don't know. I'm sorry, I don't
17 remember.
18 MR. GREENE: Was she like assistant director
19 of the division or something?
20 MS. BURDETTE: Yes, that sounds familiar.
21 MR. GREENE: Okay. I'm not 100 percent sure
22 of that.
23 MS. BURDETTE: Yeah I mean these were, these
24 were meetings with a lot of folks gathered around the
25 table that were part of it and who led them? Maybe it

1 was Sheila? I don't remember. I mean I know Sheila
2 was there, Sheila Holman.
3 MR. GREENE: Right.
4 MS. BURDETTE: But I don't recall whether she
5 led them or…
6 MR. GREENE: Okay.
7 MS. BURDETTE: She did towards the end I do
8 remember but…
9 MR. GREENE: What about the governor's office?
10 Do you have any contact regarding the ACP, regarding
11 anyone inside the governor's office?
12 MS. BURDETTE: Not that I know of. I mean,
13 not unless I misunderstood somebody's position.
14 MR. GREENE: All right. Did you -- were you
15 aware that a draft denial letter was prepared?
16 MS. BURDETTE: Yes.
17 MR. GREENE: Can you tell us a little bit
18 about why and when that was prepared?
19 MS. BURDETTE: So the hearing officer's report
20 is prepared and in order to not -- the decision is
21 ultimately the division director's decision. And as
22 support for that, and I believe Karen Higgins wrote the
23 draft denial, we provide both a denial and an approval
24 for the division director to make their decision based
25 on reviewing the hearing officer's report as to whether

1 they chose to.
2 MR. GREENE: Is that a normal practice?
3 MS. BURDETTE: It is with individual projects
4 that have a public hearing and a hearing officer's
5 report.
6 MR. GREENE: Okay. Do you know when that was
7 prepared?
8 MS. BURDETTE: I don't remember.
9 MR. BEERS: Okay. The draft denial, there's a
10 copy in the public documents, there's really no -- if
11 you look at this. Have you seen the draft denial?
12 MS. BURDETTE: I'm sure I have before.
13 MR. BEERS: Okay. There's really no
14 information that's for the reasoning for denying the
15 permit. So and I've just handed her a copy to look at.
16 So the question I have, the hearing officer's report is
17 pretty detailed. It explains all the criteria that's
18 been reviewed and analyzed. Do you have any reason to
19 believe that this permit could possibly be denied at
20 the point that this denial letter was given? Do you
21 personally believe that it could have happened?
22 MR. LANE: Professionally.
23 MR. BEERS: Professionally, from your
24 experience with these permits and all the information
25 that has gone into this. Is it -- even a chance that

1 the permit would be denied?
2 MR. LANE: If you know. I'm sorry. Are you
3 done reviewing the letter?
4 MS. BURDETTE: Yes.
5 MR. BEERS: This is just to show you that
6 there is really no information…
7 MS. BURDETTE: Yeah.
8 MR. BEERS: There is no cause for a denial put
9 into the letter.
10 MR. LANE: Remember, she's here to present
11 facts.
12 MR. BEERS: Absolutely.
13 MR. LANE: And not beliefs or opinions.
14 MR. BEERS: All right. In your professional
15 opinion, was there a need for a draft denial letter at
16 the time that the hearing officer's report was
17 submitted?
18 MS. BURDETTE: My review determined that the
19 project met the six criteria for the issuance of a 401.
20 MR. BEERS: Okay. So according to the rules
21 of the permit then a permit would have been granted
22 based on supplying the correct information?
23 MS. BURDETTE: Yes.
24 MR. BEERS: So I guess you could conclude that
25 they wouldn't have denied that the permit based on what

1 you've just said.
2 MS. BURDETTE: Well, you know how rules are.
3 Everybody interprets it.
4 MR. BEERS: I'm just asking you for the --
5 what is the real need for this letter if they'd met all
6 the criteria and you know it was going to be granted?
7 MS. BURDETTE: My understanding of that was --
8 that it wasn't our ultimate decision.
9 MR. BEERS: Whose ultimate decision was it?
10 MS. BURDETTE: The director.
11 MR. BEERS: Which would be?
12 MS. BURDETTE: Jay Zimmerman, Jay Zimmerman.
13 Is Jay still around?
14 MR. GREENE: I think at that time it was Ms.
15 Culpepper (cross talk).
16 MS. BURDETTE: I'm sorry they change and
17 (cross talk) yes I am probably confusing. Maybe it was
18 Linda at that time. I -- we -- they change those guys
19 a bit but that role is the director of the Division of
20 Water Resources.
21 MR. BEERS: So could she have denied the
22 permit just without even though all the criteria had
23 been met, according to the rules?
24 MS. BURDETTE: I don't know. I mean.
25 MR. BEERS: You didn't have a discussion with

1 anyone about this denial letter?
2 MS. BURDETTE: Other than what I've already
3 told you that it's prepared routinely when these
4 projects have hearing officer's report because the
5 ultimate decision isn't at staff level but at the
6 director level.
7 MR. BEERS: So you have personally seen these
8 drafted in other cases?
9 MS. BURDETTE: Yes.
10 MR. BEERS: In your professional experience.
11 Okay. So this is a routine document that's always put
12 up.
13 MS. BURDETTE: It's -- to not be presumptive.
14 MR. BEERS: Right. So just another question.
15 There is no one that basically instructed you or Ms.
16 Higgins to prepare this out of the ordinary?
17 MS. BURDETTE: No.
18 MR. GREENE: Okay. How many of those have you
19 seen roughly?
20 MS. BURDETTE: I can think of two besides the
21 Atlantic Coast Pipeline.
22 MR. GREENE: Okay.
23 MR. BEERS: And were those -- on those two was
24 it, was it before one certification issued?
25 MS. BURDETTE: Yeah. Yes and I don't

1 remember.
2 MR. BEERS: Okay.
3 MS. BURDETTE: I wasn't involved in one
4 project that I was aware that there was a denial letter
5 that -- I wasn't processing that project. So…
6 MR. BEERS: How many 401 permits have you been
7 involved with in the course of your career?
8 MS. BURDETTE: Gosh, I don't know. I mean I
9 don't have an estimate of that.
10 MR. BEERS: So more than the three or the
11 three denial letters that you've seen.
12 MS. BURDETTE: I mean, it was easily -- wait a
13 minute I'm sorry.
14 MR. BEERS: So I guess the question.
15 MS. BURDETTE: (cross talk) Clarify that one
16 more time for me to make sure I understood.
17 MR. BEERS: Okay. You've been involved with
18 numerous 401 permits?
19 MS. BURDETTE: Yes.
20 MR. BEERS: To the point where you don't
21 remember exactly how many.
22 MS. BURDETTE: Yes. Those are the more
23 individual certifications that are…
24 MR. BEERS: Right.
25 MS. BURDETTE: That don't require public

1 hearing level --
2 MR. BEERS: Okay.
3 MS. BURDETTE: -- projects and don't have
4 those hearing officer reports and that aspect of the
5 review.
6 MR. BEERS: Okay. So how many have you been
7 involved with actually had that type of review, hearing
8 officer's report?
9 MS. BURDETTE: Two.
10 MR. BEERS: Two? And they were the ones that
11 you saw the draft denial letters placed so that's
12 routine for those types of 401 permits?
13 MS. BURDETTE: Yes. When there's a public
14 hearing, yes.
15 MR. GREENE: All right okay. Want to talk a
16 little bit about the final few weeks of the process and
17 when the hearing officer's report was submitted, I
18 believe you had a chance to review it and do you recall
19 what date you received the hearing officer's report?
20 MS. BURDETTE: No, I don't.
21 MR. GREENE: Okay. We've reviewed several of
22 the e-mails that were provided via the public record
23 and it said. This is on January 4, Brian Wrenn
24 completes. Brian Wrenn is the hearing officer.
25 MS. BURDETTE: Uh-huh.

1 MR. GREENE: (Inaudible) his report he sends
2 it to Higgins and Burdette, it's on January 4. And did
3 you review those that hearing officer's report at that
4 particular time?
5 MS. BURDETTE: I don't specifically remember
6 but I should have.
7 MR. GREENE: Okay. That's fine. Let's go
8 back to December. Or let's just add this question, at
9 what time did you think a decision would be made on the
10 401 permit?
11 MS. BURDETTE: When we received all the
12 information and had completed our review of the six
13 criteria.
14 MR. GREENE: Okay. Do you know when that
15 would have been?
16 MS. BURDETTE: I mean I don't remember.
17 MR. GREENE: Here are some of your notes I
18 want to show you from 1/3 and it's got the dates at the
19 bottom, I've just highlighted those and this is all
20 coming from the staff files that are made for public
21 records. Are those your notes?
22 MS. BURDETTE: Yes, they are.
23 MR. GREENE: Okay. And at the bottom down
24 there, where it says -- I just think -- received, add
25 information, received or something with those dates,

1 would that be what you're referring to is when you
2 received the information?
3 MS. BURDETTE: They would have been what I had
4 received by the time, of course, this was written in
5 January.
6 MR. GREENE: Okay. Were there other requests
7 made outside of that?
8 MS. BURDETTE: Yes, I believe that this --
9 that there were additional requests for information or
10 request to supplement additional information or provide
11 addend (phonetic) information we'd already received.
12 MR. GREENE: We've heard the term true-up.
13 What is that?
14 MS. BURDETTE: What's that again?
15 MR. GREENE: True-up, to finalize the numbers?
16 MS. BURDETTE: Oh, I have not heard true-up
17 myself.
18 MR. GREENE: Okay. So you're not familiar
19 with that term?
20 MS. BURDETTE: Not that term. No.
21 MR. GREENE: What would you call -- I guess
22 verification of their figures -- maybe just a request
23 for verification.
24 MS. BURDETTE: Yes. Right, yes.
25 MR. GREENE: Before the final.

1 MS. BURDETTE: Well, sometimes when projects
2 are very large and there are a lot of different impacts
3 and, you know, we're talking about numbers of, you
4 know, adding up a lot of individual numbers, we will
5 commonly -- not commonly. Usually it's only in that
6 circumstance where you have, you know, one or two
7 impacts we don't need somebody to tell us we have the
8 right number. But when you have such -- so many
9 different impacts we have before sent it to the
10 applicant and said, is this is what you thought your
11 total numbers were going to be? Just to reduce errors
12 and mistakes as far as tallying and accounting of those
13 individual impacts.
14 MR. GREENE: Okay. Did you have direct
15 conversations with the applicant's representatives?
16 MS. BURDETTE: I didn't. I believe Karen took
17 care of that.
18 MR. GREENE: Okay. Do you know Spencer
19 Trichell?
20 MS. BURDETTE: Yes.
21 MR. GREENE: And what was his position?
22 MS. BURDETTE: He worked for Dominion at the
23 end. In the beginning, he worked for, I believe, a
24 consultant and he went to work for Dominion after that.
25 MR. GREENE: Okay did -- what was his position

1 relating to your duties and the 401 processing?
2 MS. BURDETTE: He was the primary point of
3 contact with Dominion about the application and the
4 additional information requests.
5 MR. GREENE: Okay. And your phone log was
6 also provided as public record and there's multiple
7 calls from him.
8 MS. BURDETTE: Yes.
9 MR. GREENE: And to him and so forth. So do
10 you recall that you were talking to him on a regular
11 basis? How would you categorize the contact and the
12 context of those calls?
13 MS. BURDETTE: I would say more maybe sporadic
14 that it depended on, you know, the -- it was on a --
15 well, it was on a regular basis. I talked to him
16 plenty, you know, back and forth. It was usually some
17 question or clarification of what, you know, what
18 specifically were we asking for, what do we mean, what
19 -- whether guidance as to what data or what
20 documentation we needed specifically to fulfill, you
21 know, our application requirements. Those kinds of
22 general.
23 MR. GREENE: Okay. Do you recall sending him
24 an e-mail?
25 MS. BURDETTE: Okay.

1 MR. GREENE: Do you have those e-mails?
2
3 MR. BEERS: Yes, which ones?
4 MR. GREENE: The last one. That's it. Is it
5 the one to Trichell. No. There was a request for
6 information…
7 MR. BEERS: Oh you're talking about the true-
8 up ones?
9 MR. GREENE: Correct. Sorry.
10 MS. BURDETTE: That's fine.
11 MR. GREENE: The case generated a lot of
12 documents.
13 MS. BURDETTE: Oh my gosh. And then that e-
14 mail chain.
15 MR. GREENE: Yes and we certainly appreciate
16 all the work.
17 MR. BEERS: Yeah.
18 MR. GREENE: It was Higgins, doing those.
19 Okay. This timeline, you want to do it?
20 MR. BEERS: Yeah, so let's see. Just coming
21 back to the permitting process. There's a series of e-
22 mails between all DEQ I think they are almost internal
23 between Higgins, yourself, Wrenn. And the first ones
24 starts off and -- we don't have a lot of time but it
25 starts off on December 14th. And this is an e-mail

1 from Karen Higgins to Bridgette I think it's
2 Culpepper's assistant. She's trying to schedule a
3 meeting with you, yourself, Mr. Wrenn to go over a
4 hearing officer's report, trying to schedule for
5 January 4th. So it looks like you are getting ready to
6 approve the 401 permit.
7 MR. LANE: Can we get copies of these.
8 MR. GREENE: We can give copies when we are
9 done. Just want to put it back in the right file.
10 MS. BURDETTE: Do I need to look through all
11 of these or?
12 MR. BEERS: You don't have to -- I can just --
13 I can just go over this. We're running out of time so
14 I'm going to just go through. So on the 14th this e-
15 mail is sent out to, it looks like they tried to set up
16 a meeting with the director to basically go over the
17 hearing officer's report which would be the pretty much
18 the end of the permitting process, correct? Getting
19 towards the end.
20 MS. BURDETTE: Sure. Fair.
21 MR. BEERS: So it looks like it's got all your
22 information and that's on December 14th. And then it
23 moves on to, let's see…
24 MR. GREENE: I think we mentioned the January
25 4 that you got, received the hearing officer's report?

1 MR. Beers: So I think you got all your
2 information. You're expecting to get this information.
3 It looks like from Dominion by -- I don't know at some
4 point -- I don't know at some point. According to the
5 documents you got everything you needed by December
6 20th. And you were looking to move forward probably to
7 review the permit.
8 MS. BURDETTE: I don't believe we had
9 everything we needed by December 20th.
10 MR. Beers: Well, everything dated that you
11 asked them for, for the first -- the 20th -- according
12 to the hearing officer's report, that was the last
13 receipt of information. And then January 3rd you are
14 reviewing the hearing officer's report. And January
15 4th looks like you're getting ready to meet with Ms.
16 Culpepper to go over the -- and then somehow the e-
17 mails looks like you're going to actually do it on next
18 Monday the 8th to actually meet with Culpepper to talk
19 about this. So I guess the question, you're moving
20 forward, you have it in the process and then it looks
21 like through the e-mails that Bridget Munger makes a
22 request from Brian Wrenn to instead of sending the
23 report to Culpepper to send it to her to the director's
24 office. Do you recall any conversation about why?
25 MS. BURDETTE: I don't recall that.

1 MR. BEERS: It would go around the secretary's
2 office instead of the normal process.
3 MS. BURDETTE: I don't recall the finalization
4 of the hearing officer's report. I mean, I…
5 MR. BEERS: So okay.
6 MR. GREENE: And you were still in your
7 position in January. You said you think you left in
8 February?
9 MS. BURDETTE: I think I left the 1st of
10 February.
11 MR. GREENE: So do you recall the issuance of
12 the 401 certification?
13 MS. BURDETTE: Yes, I do.
14 MR. GREENE: Okay. And I think it was
15 officially signed on the 26th.
16 MS. BURDETTE: Okay.
17 MR. GREENE: Of January. During this time
18 period, what normally takes place? Once the hearing
19 officer's report is received and reviewed, how long
20 does it normally take before the permit is issued?
21 MS. BURDETTE: Well, it depends on workload
22 and what all else is going on at the time. I did go
23 back and review just those last few additional
24 information that was sent. And you know we don't wait
25 to begin working on drafts or anything till the very,

1 very end. Those issues and items there is a lot of
2 standard conditions that go in there that are very
3 routine, and so you know, we were working on the letter
4 but that didn't mean we didn't have some additional
5 information that we hadn't quite received and got
6 enough what we felt was enough of a documentation and
7 answer about and if I -- which I believe is a
8 cumulative impact analysis I feel like it was the last
9 thing.
10 MR. GREENE: It was.
11 MS. BURDETTE: It was the last piece that we
12 felt like we didn't quite have everything we needed to
13 say it met that criteria.
14 MR. GREENE: Okay.
15 MR. BEERS: Okay Can I follow up on that? That
16 last request I think was made November 28. I can show
17 you this document.
18 MS. BURDETTE: Okay.
19 MR. BEERS: But that's what it shows in the
20 documents but…
21 MS. BURDETTE: Sure.
22 MR. BEERS: In Ms. Higgins' note she has a
23 rough timeline of when she thinks this is at that point
24 in time at December -- this is November 20th. She
25 looks like anticipating that when she believes the

1 permits will be issued and the hearing officer's report
2 will be complete. But that actually gets extended
3 because another request goes out on November 28th. Do
4 you recall conversations from Ms. Higgins or why that,
5 you know, from that point it looks like things were
6 rolling on fast. Why did this extra information
7 request go out on the 28th because at that point in
8 time it looks like you were planning on moving forward
9 with the hearing officer's report?
10 MS. BURDETTE: I think this was just planning
11 and…
12 MR. BEERS: Right. But was there some -- so
13 the additional request on the 28 for the cumulative
14 impact that's the last one, who is -- who decided to
15 make that request?
16 MS. BURDETTE: Karen and I both looked over
17 that particular criteria of the permit.
18 MR. BEERS: Okay.
19 MS. BURDETTE: And based on public comments
20 and -- I will say that we with our individual projects
21 we -- I didn't have as much experience with the
22 secondary and cumulative impact analysis. And we
23 looked into it and felt like we didn't really have the
24 information we needed to say for sure that it would not
25 have a secondary and cumulative impact without

1 additional information from the applicant. And we
2 wanted to be very sure that we met our obligation to
3 make sure the project met the rules.
4 MR. BEERS: So that was -- you and Karen made
5 that decision?
6 MS. BURDETTE: We consulted with Brian Wrenn
7 on that. Brian Wrenn had more transportation
8 experience.
9 MR. BEERS: So the three of you consulted
10 together? It wasn’t someone above in the secretary's
11 office, director's office who said, "Hey, go look into
12 this."
13 MS. BURDETTE: No, that was Karen and I.
14 MR. BEERS: That was your (cross talk).
15 MS. BURDETTE: Yeah, leaning on Brian because
16 he had more transportation experience in linear
17 projects. And more secondary and cumulative impact
18 analysis experience.
19 MR. BEERS: Okay.
20 MS. BURDETTE: Based on his previous history.
21 MR. GREENE: And I think here's a 11/28 note
22 from yours and you're talking about a disconnect
23 between the benefit claimed in the ICE. ICE what does
24 ICE stand for?
25 MS. BURDETTE: What is it? Cumulative -- it's

1 part of the -- yeah.
2 MR. BEERS: Part of what you're talking about.
3 Yes.
4 MS. BURDETTE: Yeah part of cumulative impact
5 analysis. I can't remember what those letters stand
6 for exactly.
7 MR. Lane: Can she take a look at what you are
8 looking at--
9 MR. BEERS: Yeah. And I believe we've got the
10 ST, I'm assuming those were the initials that you made
11 for Spencer Trichell.
12 MS. BURDETTE: Okay. Let me see here. Okay
13 this was a --
14 MR. BEERS: And I believe it says -- he says
15 it's speculative or what does it say there?
16 MS. BURDETTE: Oh yeah Spencer, ST, says very
17 speculative.
18 MR. BEERS: And then what's under that?
19 MS. BURDETTE: I replied that it should be
20 speculative. And that's the -- referring to the
21 analysis. You know you are speculating on what might
22 happen. It's not known. I believe they provided a lot
23 of -- for their first response to the cumulative impact
24 analysis was they provided a lot of known projects, you
25 know, on the books as far as in planning and those

1 kinds of things. And they thought that was enough and
2 we said well no, your analysis needs to include a more
3 robust analysis -- a more robust evaluation of what you
4 expect development wise from this project.
5 MR. GREENE: Who was they?
6 MS. BURDETTE: Well, the applicant you know
7 believed they had provided what they needed.
8 MR. BEERS: Right.
9 MS. BURDETTE: And we were explaining that
10 they needed to elaborate on that.
11 MR. BEERS: And that's between you, Wrenn and
12 Higgins felt that it was necessary to elaborate on
13 that?
14 MS. BURDETTE: Yes.
15 MR. BEERS: Were there any other factors or
16 any other individuals that were encouraging to do that?
17 MS. BURDETTE: No, not that I remember. This
18 was a checking our boxes and making sure we had
19 completely reviewed everything and had all the data we
20 needed.
21 MR. BEERS: Okay.
22 MR. LANE: You've got two minutes.
23 MR. BEERS: Yes sir, thank you. Were you ever
24 -- did you ever have -- express any or did you have
25 concerns that the project permitting process was

1 dragging or taking longer than it should?
2 MS. BURDETTE: I don't remember. I mean it
3 did take a long time. I don't remember other than
4 just…
5 MR. BEERS: Did you ever hear anyone say that
6 the Departments or the Department is putting up
7 barriers?
8 MS. BURDETTE: Not that I remember.
9 MR. BEERS: Okay.
10 MS. BURDETTE: Other than all applicants you
11 know sort of gripe about how long -- I mean that --
12 MR. BEERS: Within the department, not the
13 applicant itself but that the department was putting up
14 barriers for the permitting process.
15 MS. BURDETTE: No, not that I remember.
16 MR. BEERS: Okay. Did you ever have any
17 conversations with anyone regarding concerns that it
18 was taking a long time?
19 MS. BURDETTE: I don't remember. I mean other
20 than, you know, just status, where are you, or what's
21 next, I mean sorry the applicant is all I remember of
22 them of course being anxious to get through the process
23 but I don't remember the department being --
24 MR. BEERS: Were you aware of a mitigation
25 fund outside of DEQ?

1 MS. BURDETTE: I did not hear anything about
2 that until I left, through the news.
3 MR. BEERS: Okay. I think -- do you have
4 anything further?
5 MR. GREENE: No. I think we're --
6 MR. BEERS: We're right on the button here and
7 we certainly appreciate your time.
8 MR. GREENE: Yes, thank you very much.
9 MS. BURDETTE: You're welcome.
10 MR. GREENE: Thank you. And the current time
11 is 9 -- 10 o'clock on the dot and I'm going to turn the
12 recorders off.
13 MR. BEERS: Yeah, we'll figure out getting
14 copies.
15 MR. LANE: Yeah, we'll reorganize them and use
16 whatever you can. These are all public documents.
17 MR. BEERS: Yeah, I understand that's fine.
18 MR. GREENE: We do appreciate your time.
19 Thank you very, very much.
20 MS. BURDETTE: Oh, you're welcome.
21
22
23
24
25

I, Jennifer A. Burdette have read the foregoing transcript of my interview on October 4, 2019, and hereby certify that the responses contained therein are true and accurate to the best of my knowledge.

Jennifer A Burdette

Interviewee's Signature

Jennifer A. Burdette

Interviewee's Printed Name

10/21/19

Date

State of North Carolina, County Wake

I, Janet T Mack, Notary Public

Do hereby certify that Jennifer A. Burdette

Personally appeared before me this day and acknowledged

The due execution of the foregoing instrument.

Witness my hand and official seal, this 21st day of

October, 20 19

Janet Mack, Notary Public

JANET T MACK
My Commission Expires
NOTARY
PUBLIC
May 7, 2020
WAKE COUNTY, NC

EXHIBIT

A

Water Resources
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Interim Director

January XX, 2018

DWR # 14-0957 v2
Northampton, Halifax, Nash,
Wilson, Johnston, Sampson,
Cumberland and Robeson Counties

CERTIFIED MAIL: xxxx xxxx xxxx xxxx xxxx
RETURN RECEIPT REQUESTED

Atlantic Coast Pipeline, LLC
Attn: Ms. Leslie Hartz
707 E. Main Street, 19th Floor
Richmond, VA 23219

DRAFT

Subject: DENIAL OF 401 WATER QUALITY CERTIFICATION AND TAR-PAMLICO/NEUSE RIPARIAN BUFFER AUTHORIZATION CERTIFICATES
Atlantic Coast Pipeline
USACE Action ID. No. SAW-2014-01558

Dear Ms. Hartz:

On May 9, 2017, the Division of Water Resources (Division) received your application requesting a 401 Water Quality Certification and Tar-Pamlico and Neuse Riparian Buffer Authorization Certificates from the Division for the subject project. Pursuant to 15A NCAC 02H .0506, a certification shall be issued when the Director determines that water quality standards are met. Pursuant to 15A NCAC 02B .0233 (8) and .0259 (8), a Buffer Authorization Certificate shall be granted when the Division determines there is no practical alternative. The project has not met the following requirements:

- **Rule Citation**
  "Rule text..."
  Explanation...

- ...

In accordance with 15A NCAC 02H .0507(e), 15A NCAC 02B .0233(8), and 15A NCAC 02B .0259(8), your application for a 401 Water Quality Certification and Buffer Authorization Certificates are hereby denied.
This decision can be contested as provided in General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH) **within sixty (60) calendar days**.

A petition form may be obtained from the OAH at http://www.ncoah.com/ or by calling the OAH Clerk's Office at (919) 431-3000 for information. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

If sending via US Postal Service:
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If sending via delivery service (UPS, FedEx, etc):
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500 and the Neuse and Tar-Pamlico Riparian Buffer Protection Rules. Please be aware that you have no authorization under Section 401 of the Clean Water Act or the Neuse/Tar-Pamlico Riparian Buffer Protection Rules for this activity and any work done within waters of the state may be a violation of North Carolina General Statutes and Administrative Code. Contact Karen Higgins at 919-807-6360 or karen.higgins@ncdenr.gov if you have any questions or concerns.

Sincerely,

Linda Culpepper, Interim Director
Division of Water Resources

cc: Richard Gangle, Dominion Resources Services, Inc. (via richard.b.gangle@dom.com)
Spencer Trichell, Dominion Resources Services, Inc. (via spencer.trichell@dom.com)
USACE Raleigh Regulatory Field Office
USACE Wilmington Regulatory Field Office
Todd Bowers, EPA (via bowers.todd@epa.gov)
DWR 401 & Buffer Permitting Branch file

DRAFT

EXHIBIT

B

Notes by
J. Burdette
11/17/17

Conference call w/ K.H & B.W.

Detail about areas w/ water & sewer w/ significant potential for growth
- need clear demonstration of how they reached their conclusion (logic used)

[Kinston Bypass example]

Specific discussion of industries that need nat. gas capacity to operate

Is the terminus of ACP based on location of existing lateral.
How was terminius decided or what factors led to the terminus selected

---

Are there any addition buffer impacts related to completing crossings in the dry?

Check buffer totals and mitigation quantity
Table 5 pg 36 supplemental zone 1 + 2
1.3 mil sq

Nov 4
Nov 15

11/28/17

ACP

Spencer Trichell

How far do we need to drill down

for example around Selma

ERN

James McCracken - Duke

K.H. Disconnect btw economic benefit claimed and ICE

S.T. ~~P.S.~~ very speculative

J.B. ICE should be speculative

Stv could look at drivers and dev trends w/ other lines and apply those here

S.T. What info is needed for terminus

K.H. Why terminus was ~~chosen~~ chosen

ST Regulatory framework we should be including

JB Water quality i.e. post const SW NPDES Ph II, WS, NSW, ORWS

ACP Conference Call 1/3/18

w/ B. Wrenn & K. Higgins J. Burdette

Well testing w/in 500' of blasting

- post w/ complaint only (pg. 26 Blasting Plan)
- chk application 7/12/17

LF

- list specific file names & folder path instead of DVD

SW S.L. 2017-10

Cond for turbidity monitoring

App Rec'd 5/9/17

Dates Add Info Rec'd

July 12, 2017 (Blasting Plan) monitor wells w/in 500'

	Permanent	Perennial
Sept 22		
Sept 29		
Oct 13	32	
Nov 4	31	
Nov 15	30	606
Dec 8	67	+ 160
Dec 20	160	766

Permanent Int/Eph

31

30

545 => Incl.

ACP Weekly Meeting 10/25/17

Air quality hearing Nov 15 closes 21st

metavolcanic in Northern counties

J.Z. CrVI & heavy metals in Blk Ck

- low chance near surface soils would increase CrVI
- Blk Ck; staff did not believe excavation would cause any long term issue
  - any utility subject to corrosion due to low pH
    - need to advise ACP of need to protect pipeline in Blk Ck due to low pH

S.C. agree CrVI should not be a concern
- would be reduced quickly due to low pH and presence organic material

K.H. submitted add info end of Sept and met w/ ACP; more info submitted mid Oct; add info request should go out today

T.V. Rec'd plans 10/24
- have 15 days for decision

K.H. DEMLR - Ral cannot issue approval until buffer auth.

Send
Shelia a note that add info will be sent out today
- explain why 3rd add info is necessary
- copy MPK

1/28/16

Atlantic Coast Pipeline Mtg

Notes by
J. Burdette

USFS det. pipeline incompatible w/ Mon Nat Forest Plan due to cheat mtn salamander and Shen. Mtn Nat. Forest → looking for alt route around these areas

Draft EIS delayed

Notice of schedule will be issued after alt route ID'd

E&S plans will be developed after project route finalized

Access Rds
- [redacted]acts not provided
- will be temp (i.e. timber mats)

Scheduling additional site visits for but sub.

Juniper Farms Johnston Co.
- mit bank crossed by route
- cons. easement / MBI
- need alt analysis to determine if it could be avoided

Progress Energy Collocation - Fayetteville
- results in ~4ac forested w/ impacts
- analyze why social resources are less imp than forested wls
- 6 carolina bays crossings on progress alt
  - 1 already imp by ag
- Fayetteville M&R Sta is fixed for delivery
- need comparison wl, T&E, landowners, streams, apples to apples → desktop to desktop

Field Survey
- 3.0mi left unsurveyed
- scheduled [redacted] Feb

EJ
James Dell pd

ACP Weekly Mtg

12/20/17

Led by S. Holman

Air update
- response not yet rec'd

401 update
- ICA contained an error regarding SW prog. in Robeson Co.
- rec'd draft & held conf. call to discuss deficiencies of draft
- response expected today or tomorrow

S&EC
- revised plans will be submitted this Friday
- K.H. – 401 would not be issued w/in 15 days

SW
- contractor yard (Cumberland) → east of Fayetteville
  - 20 ac of imp on 41 ac (50% imp)
  - temporary ~2 yrs
  - planning ind permit → public notice, but no hearing
- remaining portions will be general certs

Any developments – send email to Shelia, Doug, & Bridget

Next mtg Jan 3rd

Natural Gas Availability – Moderate? new source

Notable

numbers → ac to lf

map NWI

low how was low determined?

Water/Sewer Availability

- map of areas

Identify potential development (discuss

I-95

~~not~~ infrastructure

near dev areas

Nat Gas

- majority for production of electricity
- significant new source of gas, but would replace existing source (ie. coal) and improving reliability

B.W. - opportunity for growth due to this new supply

S.T. - most of ACP already subscribed

Potential development

- dev a component but not primary driver

ACP Weekly Mtg 12/6/17

DEMLR
- approval of S&EC plan for Fayetteville
- Raleigh - work on ditch designs
  major stream crossings
  - need 401 before it can be approved
T.D. - can issue conditional approval for 401;
  cannot w/ BA
- revised plan not yet rec'd

SW
- got add info; should get to in ~ weekly
  ~ 1½ week ago
- general SW permit
  - access roads, M&R stations, compressor stations
    - one for Raleigh and Fayetteville
  - anyone can request individual permit incl' Director

DWR
- add info + email w/ ques. sent Nov 28; ACP anticipates responding to both by Dec 8

Notify Dept before sending communications to company

11/28/17
TC w/
Brian Wrenn

Description of access roads
pipeline access vs aboveground
moving ditches?
discharging ditch before they enter buffer
Diffuse flow
S&EC review
Access roads → chk diffuse flow memo
M&R stations

Updated mitigation needed

of perennial channel
LFA mit. applies at issuance

Non 1 buffer impacts in Zone 2?

12/4/17
J. Burdette Notes

N.H. Compressor Station

- SW conveyed through piping or veg conveyances?

Smithfield M&R
- What is the percent impervious area?
- How will post-const. SW be conveyed? piping, sheet flow or ditches?

ACP Meeting w/J.Z. 10/24/17

Chromium issue

Ted Campbell - Cr in rock is CrIII
- Cr sediments would have equalize
- very low conc

J.Z. Black Crk
- related more to long term exposure

Chk w/ Brian Wrenn about BMPs for acid producing rock to J.Z, J.P, KH.

401 appropriate for protecting surface waters from any heavy metal if a particular risk is identified

---

Acid Producing Rock Policy

- Exploratory drilling to determine areas of hot rock (NNP < -5)
- One year baseline monitoring of streams & springs
- Samples tested for pH, acidity, alkalinity, conductivity, sulfate, iron, manganese, aluminum, Cu, Cadmium, Cr, Zn
- One yr monitoring of streams & springs after construction
- Disposal of hot rock; placement on limestone tailings in lifts alternated w/ agricultural lime; capped w/ aglime, clay, synthetic membrane + 3' soil on top

10/18/17

S.H. If 401 req. BMPs → how would it affect S&EC plans

T.V. discussed basin design
are any measures typical to S&EC effective for Cr
↳ what is an adequate BMP for Cr

* S.H. J.B. ck w/ JZ re BMPs to prevent Cr from entering waterways to include in 401
↳ provide to Shelia

T.V. What about other activities that we don't regulate
What % do we regulate?

S.H. What depth is metavolcanic rock
- weathered material at surface

K.T. Has ACP conducted borings along the route; can we access those for sampling

J.B. Would be difficult to keep soil piles saturated w/out containment → K.T. - maybe a reducing agent could be applied

B.W. Concerned about adding BMPs to 401 that we don't fully understand

Discussed seasonal W.T. fluctuations vs. permanently saturated areas

S&EC
T.V. - have not rec'd SW or S&EC
- ask Toby to let J.B. & K.H know when plans are rec'd

401
- rec'd notice of tree felling Nov 16 → confirm no 401 req. (will also note cannot impact protected buffer)
T.V. - need erosion control plan prior to cutting trees
* - J.B. forward ACP email to T.V for S&EC response

ACP Weekly Mtg 9/13/17

EJ separate from 401; DEQ will send a letter to FERC

Add info letter drafted; should go out Thurs
- send MPK copy

J.P cumulative impact is expected to cause greatest concern

K.H. explain basis for req info.

MPK asked about time clock incl 1yr

Discussed air permit & EJ outreach

SW/S&EC permits
- receipt of add info allows 15 days
- some areas will req. post-const. SW for access rds
  - anyone can req. it be processed as an individual permit
  - exempt from SOA until a spill occurs
    - not sure if one out of state trips the whole pipeline

ACP - EJ Follow-up Mtg 9/1/17
(MPK, J Osborne, B. Munger, S. Rice, B. Wrean) J. Burden

Sierra case - D.C. District

MPK - uses may be path to ask about E.J.
↳ relates to people

EJ Meeting

8/24/17
J. Burdette

B. Lane, MP Kelley, S. Holman, B. Wrenn, S. Rice, K. Higgins

Analysis appropriate

Agency response to disproportionate impacts

MPK - ask Jay Osborne to look at other pipeline cases

MPK
Send B. Lane comments (SELC, Runkle, Emanuel)
S Holman

Ask COE re: project area & app status

Mtg Sept 1

ACP 8/7/17

Mtg w/ MPK, J. Mundt, B. Wrean, Ken Taylor, Sarah Rice, KH, V. Burdette

Energy major focus of listening sessions

- scant geology info; shallower than 5' assumed rippable
- 20-25' deep in HDD crossings

- crosses I-95 5 times to avoid high population areas
-

Env. justice
- low income & minority communities impacted
- not part of 401 WQC review criteria
- what % of these populations depend on wild caught fish for their primary source of protein
- review app according to rule criteria

Tribal Council Mtg
- no presentation for 401
- answer question about process/review

ACP Mtg w/ Brian Wrenn & K.H. 7/26/17

Environmental Justice
- b/c cert of Federal permit, is DWR allowed or required to address E.J. issues (do we have jurisdiction?)
- FERC may be looking at entire project to determine that there isn't a disproportional impact to low-income or minority communities

Brian vacation Sept 16

Comments - let Sheri/Laura known that we will need envelopes to know postmark

Send Brian path to ACP folder

Sort emails into form ltrs and unique comment ltr
Develop categories

Ask Sarah Rice to include Brian on tribal meetings

Meet again Aug 11 @ 3:00

ACP Meeting w/K. Higgins & Brian Wrenn 6/23/17
J Burdette

Cumulative impacts

Secondary impacts
- will pipeline bring energy dependent development

- explain cards that will be added to 401
PH - explain impacts not significant but public interest high
- allow speakers to allocate their time to a representative
EJ - id community centers, church, local govts in English & Spanish

Add hearing info to DEQ ACP website

Prepare H.O. speech & presentation
dry run to DWR

ACP - Possibility	
5/8/2017	Application received
6/23/2017	Public Notice Issued
7/25/2017	Public Hearing 1
7/27/2017	Public Hearing 2
7/28/2017	Comment Period Ends
9/25/2017	60 days / Final Decision

46 days between app received and notice
32 days between notice and 1st hearing
35 total comment period (rule is 30)
60 days between last hearing and decision

Sutton	
12/22/2015	Application Received
1/28/2016	More info Received
2/4/2016	More Info Received
2/11/2016	Public Notice
3/15/2016	Public Hearing
4/14/2016	Comment Period Ends
5/14/2016	Ready to issue

51 days between app received and notice
33 days between notice and 1st hearing
63 total comment period (rule is 30)
60 days between last hearing and decision

Atlantic Coast Pipeline 3/22/17

Mitigation - eval PRM based on credits avail from private banks
- ▲ will require a complete mitigation plan incl site suitability, design plans, & monitoring plan
- ▲ alt, mit → water quality imp projects CBMR

401 cannot be issued until Final EIS is published

What S&EC or construction techniques will be used to protect downstream WQ? - turbidity curtains on wet crossing (pg 18)
- 24-48 hr max duration (pg 19)

Refueling 100ft from waterbodies except stationary equipment

Maintenance coorridor > 10 ft for tree removal
- root abatement zone; large tree removal area; vegetation management

SW for Compressor Station → no w/ or stream impact to trigger SW trt
- Map or Plan w/project boundary

hydrostatic testing - need explanation & sequence
- Resource Rpt 2
- minimum flow → esp. drought conds

Swift Ck & Tar ORW management strategy

Require ind. Cert.? VA Decision this week

30-days
15 days to notice } applicant pays for publication

Cumulative Impacts Assessment needs to address secondary impacts - 76% electric gen
- only direct impacts addressed in impacts by resource
- Fish incl direct imp from future
- distribution lines to deliver development

EXHIBIT

C

To: Bridgette R Morris-McLawhorn (bmorris@ncdenr.gov)
Subject: meeting with Linda
Date: Thursday, December 14, 2017 2:57:18 PM

Hi Bridgette-

I'd like to go ahead and schedule time with Linda, Jennifer Burdette, Brian Wren and me to go over the Atlantic Coast Pipeline Hearing Officer's report and recommendation. We'll probably need an hour and are looking for January 4th or 5th.

Thanks-
Karen

Karen Higgins
401 & Buffer Permitting Branch Supervisor
Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office
[illegible]
[illegible] gov/about-divisions/water-resources/water-resources-permits/401-and-buffer-permits

512 N. Salisbury Street (Archdale Building), Suite 942-E, Raleigh, NC 27604
1617 Mail Service Center, Raleigh, NC 27699-1617

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Wrenn, Brian L
To: Rice, Sarah M
Subject: RE: ACP
Date: Friday, December 15, 2017 2:27:34 PM

Sarah,

Linda has scheduled a meeting to discuss the ACP hearing officer's report on Jan. 4th. I am finalizing the HO's report and hope to have a draft to Karen and Jennifer early next week (minus the cumulative impacts evaluation – still waiting on info). Do you think you could have a EJ statement completed next week? Thanks.

Brian Wrenn
919-743-8409 (office)
919-491-2616 (cell)

From: Rice, Sarah M
Sent: Wednesday, December 06, 2017 12:47 PM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov>
Subject: ACP

Hi Brian,

Please let me know if I can assist with any EJ related questions for the hearing officers report.

Regards,
Sarah
919.707.8287

Get Outlook for iOS

From: Doug Heyl

To: Julia White (julia.white@nc.gov)
Subject: Date: Attachments:

Heyl, Douglas

FW: ACP Update Notes - Jan. 3, 2018 Wednesday, January 3, 2018 1:36:00 PM image001.png

North Carolina Department of Environmental Quality 919.707.9034 (Office)
919.812.3415 (Mobile)
douglas.heyl@ncdenr.gov

Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.

From: Munger, Bridget
Sent: Wednesday, January 03, 2018 1:04 PM
To: Holman, Sheila <sheila.holman@ncdenr.gov>
Cc: Heyl, Douglas <Douglas.Heyl@ncdenr.gov>; Munger, Bridget <bridget.munger@ncdenr.gov>
Subject: ACP Update Notes - Jan. 3, 2018

ACP Weekly Update Notes Jan. 3, 2018

DAQ: No written response has been received from Dominion following DAQ's request for additional information on the air quality permit application for the Northampton compressor station facility. Mike A. has reviewed draft hearing officer's report; it is in good shape.

DWR: In response to the fifth add-info request, Dominion submitted a revised cumulative analysis report on Dec. 20. Information submitted is under review to ensure that all the requested information has been provided. Final edits are being made to the hearing officer's report. Staff is meeting with Linda Culpepper tomorrow to discuss further.

DEMLR - E&SC: Staff will issue another letter of disapproval to Dominion by Jan. 4, which is the 15-day deadline date. The letter will include about 19 comments/items, which is down from 34 on the last letter of disapproval. There is no set deadline for Dominion to respond once the letter of disapproval is issued. Staff said the timeline is working out that we may be ready to issue an approval for the E&SC and construction stormwater permit application when the 401 certification issues are

resolved. Per standard procedures, DEMLR will not issue the E&SC or construction stormwater permit approval prior to 401/404 approvals.

DEMLR - Stormwater: No information has been received from Dominion in response to the DEMLR's requests for more information on the stormwater general permit and stormwater individual permit. Options for a public comment period are under discussion.

Bridget Munger
Public Information Officer
N.C. Department of Environmental Quality

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer a
Subject: Date: Attachments:

RE: ACP Well Testing
Thursday, January 4, 2018 12:54:46 PM image001.png

Ok, I think I have the comments and edits from both of you resolved. Karen, I made one change to the appendices order and double checked the references in the text but no changes to the Appendices other than that. I've included the well testing language about complaints, added the 500 feet zone around blasting, and the cumulative analysis write-up as well. I think that covers it. I've saved the report with today's date. Let me know what you think. Thanks.

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Higgins, Karen
Sent: Thursday, January 04, 2018 9:47 AM
To: Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>; Wrenn, Brian L <brian.wrenn@ncdenr.gov>
Subject: Re: ACP Well Testing

agreed

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer

Subject: a FW: ACP HO report

Date: Friday, January 5, 2018 9:17:45 AM

Not sure if either of you got in this am, but I'm at home with one sick child and another out of school due to snow. The Secretary's office wants to review the HO report prior to sending to Linda. I told Bridget we would send a copy to them when we send to Jeff. I doing another read through right now. When do you think you can finish your review? Thanks!

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Munger, Bridget
Sent: Friday, January 05, 2018 8:56 AM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov> **Subject:** RE: ACP HO report

That sounds great. Thanks!

From: Wrenn, Brian L
Sent: Friday, January 5, 2018 8:44 AM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** Re: ACP HO report

I think the HO report is their focus this am. If it's ok, we can send the draft to you when we send it to Jeff to review. Thanks.

Sent from my iPhone
On Jan 5, 2018, at 8:09 AM, Munger, Bridget <bridget.munger@ncdenr.gov> wrote:

Hi Brian,
If Karen and Jennifer will be looking at the report today, I can wait for that draft. Please let me know what you prefer.
Thank you!
Bridget
(Working at home this morning: 919-268-0069)

From: Wrenn, Brian L
Sent: Thursday, January 4, 2018 7:25 PM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP HO report

Please make it known that this has not gone through final revisions. Some of the cumulative impact language is new and neither Karen nor Jennifer have reviewed it at all. Thanks.

From:

To: Subject: Date:

Brian-

Higgins, Karen

Wrenn, Brian L; Burdette, Jennifer a RE: ACP HO report
Friday, January 5, 2018 11:37:00 AM

Just a few minor suggestions highlighted in yellow. I don't think Jennifer will review this today so please go ahead and send to Jeff and others.

Since the department is reviewing the documents before going to Linda, I'm not sure that it will be ready for her by Monday. Should we try to reschedule for later in the week? We could try for after the EMC on Thursday (maybe 3:30) or Friday (maybe 8:45 or 2:00).

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov

https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits

512 N. Salisbury Street (Archdale Building), Suite 942-E, Raleigh, NC 27604 1617 Mail Service Center, Raleigh, NC 27699-1617

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From: Wrenn, Brian L
Sent: Friday, January 05, 2018 9:18 AM
To: Higgins, Karen <karen.higgins@ncdenr.gov>; Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: FW: ACP HO report

Not sure if either of you got in this am, but I'm at home with one sick child and another out of school due to snow. The Secretary's office wants to review the HO report prior to sending to Linda. I told Bridget we would send a copy to them when we send to Jeff. I doing another read through right now. When do you think you can finish your review? Thanks!

Brian Wrenn 919-743-8409 (office)

From: Munger, Bridget
Sent: Friday, January 05, 2018 8:56 AM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov> **Subject:** RE: ACP HO report

That sounds great. Thanks!

From: Wrenn, Brian L
Sent: Friday, January 5, 2018 8:44 AM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** Re: ACP HO report

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Thank you!
Bridget
(Working at home this morning: 919-268-0069)

From: Wrenn, Brian L
Sent: Thursday, January 4, 2018 7:25 PM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP HO report

Please make it known that this has not gone through final revisions. Some of the cumulative impact language is new and neither Karen nor Jennifer have reviewed it at all. Thanks.

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

Physical Address:

4401 Reedy Creek Road Raleigh, NC 27607

Mailing Address:

1621 Mail Service Center Raleigh, NC 27699-1623

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer a

Subject: FW: ACP hearing officer"s report

Date: Friday, January 5, 2018 12:19:39 PM

Attachments:

FYI

ACP_hearing officers rept_01052018.docx

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:19 PM
To: Poupart, Jeff <jeff.poupart@ncdenr.gov>
Cc: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP hearing officer's report

Jeff,
Please find attached the draft hearing officer's report for the ACP project. If you have any questions, please do not hesitate to contact me. I'm at home with kids, so try my cell (919-491-2616). Thanks.

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

Physical Address:

4401 Reedy Creek Road Raleigh, N 19681C 27607

From: To: Subject: Date:

Burdette, Jennifer a

Wrenn, Brian L

RE: ACP hearing officer"s report Friday, January 5, 2018 4:15:00 PM

Sorry for missing your call this morning. I was deep into the draft of the 401. Before I left, I just wanted to thank you for all of your help with this project. I enjoyed and learned a lot working with you.

Take care, Jennifer

Jennifer Burdette

401/Buffer Coordinator
Division of Water Resources - 401 & Buffer Permitting Branch Department of Environmental Quality
919 807 6364 office
jennifer.burdette@ncdenr.gov

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(Physical Address: 512 N. Salisbury St, Raleigh, NC 27604 - 9th Flr Archdale Bldg – Room 942F) Email correspondence to and from this address is subject to the

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From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:20 PM
To: Higgins, Karen <karen.higgins@ncdenr.gov>; Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: FW: ACP hearing officer's report

FYI

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:19 PM
To: Poupart, Jeff <jeff.poupart@ncdenr.gov>
Cc: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP hearing officer's report

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Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L

To: Higgins, Karen
Poupart, Jeff
Cc:

Subject: Re: ACP - Draft Decision Documents

Date: Sunday, January 21, 2018 8:58:42 PM

Karen,
I accepted all of the edits on the HO rept. I looked at the 401 one last time. In condition 16, it references an exemption from condition #13. should that be #15 instead?

I'll sign the document and send it to Linda, copying you and Jeff. Thanks for all of your help on this.

From: Higgins, Karen
Sent: Friday, January 19, 2018 9:26:01 PM **To:** Wrenn, Brian L
Cc: Poupart, Jeff
Subject: Re: ACP - Draft Decision Documents

Brian-

Attached are a revised 401 and HO report. I made the edits to the HO report based on your comments in the 401 and reviewed a couple other places as well. I used the HO report I sent yesterday with those track changes accepted, so the only track changes you see are those I made today.

I also made the recommended changes to the draft 401.
Please let me know if you have any further comments/changes for either document.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office karen.higgins@ncdenr.gov

From: Higgins, Karen
Sent: Thursday, January 18, 2018 10:00 PM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov>; Poupart, Jeff <jeff.poupart@ncdenr.gov>
Subject: ACP - Draft Decision Documents

Attached please find the draft 401 certification for ACP as well as the draft denial letter. Please review and send me any edits/comments etc. If you make edits in the document(s) please use track changes so I can look at them easily.

Please send me comments tomorrow if possible, or at least Monday morning.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office

From: Wrenn, Brian L

To: Culpepper, Linda
Cc: Poupart, Jeff; Higgins, Karen

Subject: ACP Hearing Officer"s report
Date: Monday, January 22, 2018 8:41:00 AM

Attachments: ACP_hearing officers rept_01222018.pdf

Linda,
Please find attached for your review the Hearing Officer's report for the Atlantic Coast Pipeline project. I am happy to discuss this with you if you have any questions or comments. Thanks!

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

From: Munger, Bridget

To: Holman, Sheila; Heyl, Douglas

Subject: Fwd: ACP Hearing Officer"s report

Date: Monday, January 22, 2018 2:51:28 PM

Attachments: ACP_hearing officers rept_01222018.pdf ATT00001.htm

Please see attached.
Sent from my iPhone Begin forwarded message:

From: "Higgins, Karen" <karen.higgins@ncdenr.gov> To: "Munger, Bridget" <bridget.munger@ncdenr.gov> Subject: FW: ACP Hearing Officer's report

FYI

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater- branch/401-wetlands-buffer-permits

512 N. Salisbury Street (Archdale Building), Suite 942-E, Raleigh, NC 27604 1617 Mail Service Center, Raleigh, NC 27699-1617

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Wrenn, Brian L
Sent: Monday, January 22, 2018 8:42 AM
To: Culpepper, Linda <linda.culpepper@ncdenr.gov>
Cc: Poupart, Jeff <jeff.poupart@ncdenr.gov>; Higgins, Karen <karen.higgins@ncdenr.gov>
Subject: ACP Hearing Officer's report

Linda,
Please find attached for your review the Hearing Officer’s report for the Atlantic Coast

Pipeline project. I am happy to discuss this with you if you have any questions or comments. Thanks!

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office)

From: Higgins, Karen

To: Culpepper, Linda

Subject: draft 401 decision documents

Date: Tuesday, January 23, 2018 1:22:54 PM

Attachments: 140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_2.docx
140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_DENIAL.docx

Linda-

Attached please find an electronic copy of the draft 401 decision documents for ACP. I'm working on the bullet points.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

Subject: DWR Discussion - ACP

Location: DENR_GS - Rm 5301 - 10 Seats - Morrow Mount

Start: Wed 1/24/2018 11:30 AM Wed 1/24/2018 12:15 PM Tentative
End:
Show Time As:

Recurrence: Meeting Status:

Organizer:
Required Attendees:

Linda-

(none)
Not yet responded

Higgins, Karen
Culpepper, Linda; Wrenn, Brian L; Poupart, Jeff

We wanted to block some time with you to go over the HO Report and 401 decision documents if you had any questions. I gave Bridgette a hard copy of the HO Report, draft 401 certification and draft denial.

Thanks- Karen

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Subject: Location:

Start:
End:
Show Time As:

Recurrence: Meeting Status:

Organizer:
Required Attendees:

(none) Accepted

Canceled: ACP Team Meeting
DENR_GS - Rm 5212 - 14 seats - Bodie Island Lighthouse

Mon 1/22/2018 1:00 PM Mon 1/22/2018 1:30 PM Free

Lucey, John D
Heyl, Douglas; Kritzer, Jamie; Jill Warren Lucas; Munger, Bridget; Leonard, Laura

From: Higgins, Karen

To: Morris-McLawhorn, Bridgette R
Culpepper, Linda

Cc:
Subject: ACP - word document

Date: Thursday, January 25, 2018 3:40:34 PM

Attachments: 140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_3.docx

Bridgette-

I put a paper copy of the 401 certification for ACP on your desk today – there are two places for Linda to sign. I will not be in the office tomorrow, so if Linda wants any changes to the 401, I've attached the word document to this email so you can edit as needed. If you do make any changes to the word document, will you please send me the final word version document for our records?

Also, on the bottom of page two you'll see email addresses for Richard Gangle and Spencer Trichell. Once (if) Linda signs the 401, will you please email them a scanned copy of the signed document, and cc me as well?

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov

https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401- wetlands-buffer-permits