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6 RECORDED INTERVIEW
7 OF
8 JAY ZIMMERMAN
9 Friday, October 4, 2019
10 10:13 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

2

3 JAY ZIMMERMAN

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

17

18

19

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

2 MR. GREENE: Okay. All right. Today's date
3 is October 4, 2019. My name is Kevin Greene. Our
4 company Eagle Intel Services is contracted with the
5 North Carolina General Assembly subcommittee on the ACP
6 for purpose of gathering and reporting information back
7 to the subcommittee. We are recording this interview.
8 I would like to have each person state their name,
9 their current position, and also acknowledge that you
10 understand it's being recorded. So I'll start with
11 Tom.
12 MR. BEERS: Tom Beers, I understand it's being
13 record.
14 MR. LANE: Bill Lane, DEQ. I understand it's
15 being recorded.
16 MR. ZIMMERMAN: And Jay Zimmerman. I
17 understand it's being recorded. I'm with the Division
18 of Water Resources.
19 MR. HARGROVE: Drew Hargrove. I'm with DEQ.
20 I understand it's being recorded.
21 MR. GREENE: Thank you, gentlemen. And I
22 believe Mr. Lane would have to like to add something.
23 MR. LANE: Yes, for the record these are the
24 terms of the interview that have been agreed upon by
25 the parties. This interview is beginning at 10:15 and

1 will be concluded no later than 11:15. The questions
2 presented to Mr. Zimmerman will be related to his
3 official duties related to the 401 water quality
4 certification for the Atlantic Coast Pipeline project.
5 They will not cover other projects or anything related
6 to his personal life. Thank you.
7 MR. GREENE: Thank you. And thank you Mr.
8 Zimmerman for being here.
9 MR. ZIMMERMAN: Uh-huh.
10 MR. GREENE: I have a few words just -- you
11 already stated your name, but would just please provide
12 a brief history of your employment with DEQ, when you
13 started and positions that you served in?
14 MR. ZIMMERMAN: So I started with DEQ or the
15 predecessor department in July of 1987. I started as a
16 hydro geological technician until January of 1990, at
17 which point I was promoted to the regional supervisor
18 position or program supervisor. And I held that
19 position as supervisor for one of our field offices in
20 the Raleigh area. We have a Raleigh field office -
21 until September of 2012.
22 At which point, I was promoted to section
23 chief for the -- at the time, it was the aquifer
24 protection section. I held that position until March
25 of 2015, at which point I was promoted to division

1 director for the Division of Water Resources. In
2 November of 2017 I took on the role of the lead program
3 manager for coal ash, so I no longer was the division
4 director.
5 And then I think it was June of 2018. So less
6 than a year, I took over the position that I currently
7 have, which is section chief for the water quality
8 regional operation section.
9 MR. GREENE: Okay. You've worn a lot of hats
10 and been here a while.
11 MR. ZIMMERMAN: Thank you.
12 MR. GREENE: I appreciate your service.
13 During 2000 -- well, let's just start. When did you
14 first become involved in the Atlantic Coast Pipeline
15 project?
16 MR. ZIMMERMAN: I think it was early 2017. At
17 which point, we had a kickoff meeting with a number of
18 stakeholders that were interested in or concerned
19 about, you know, the pipeline.
20 MR. GREENE: Okay. And when you say
21 stakeholders, who are you referring to?
22 MR. ZIMMERMAN: Most of the people were
23 environmental groups, some of the river keepers, other
24 state agencies. Our own staff, you know, that would be
25 involved in that project.

1 MR. GREENE: Okay. And that was early 2017?
2 And you were at that point, division director?
3 MR. ZIMMERMAN: Yes.
4 MR. GREENE: Okay. And can you give me a
5 chain of command as to who worked under you and who you
6 answered to?
7 MR. ZIMMERMAN: Okay. So I answered to Sheila
8 Holman, who was the assistant secretary for the
9 environment. I was responsible for all of the division
10 of water resource activities. So in the context of the
11 401 certification, my immediate subordinate was Jeff
12 Poupart, who was the section chief for the water
13 quality permitting section. And that's the section
14 under which the 401 certification staff are housed.
15 MR. GREENE: Okay. So just under you would
16 have been…
17 MR. ZIMMERMAN: Poupart.
18 MR. GREENE: Jeff Poupart and then above you
19 would have been Holman.
20 MR. ZIMMERMAN: Holman. Yes.
21 MR. GREENE: Okay. At -- you said, it was a
22 kickoff with the stakeholders in early 2017. When was
23 the application filed? Do you recall?
24 MR. ZIMMERMAN: I do not.
25 MR. GREENE: I believe, we've got a timeline.

1 I believe it was May of 2017. Let me show you a
2 document, but roughly, I think it was early May 2017.
3 MR. ZIMMERMAN: Okay.
4 MR. GREENE: Can you kind of go through the
5 process of how that evolves before the application and
6 then after the application is filed. What's the
7 process or steps that are normally taken?
8 MR. ZIMMERMAN: To be honest, I don't really
9 know. You know, I -- the 401 program is the program
10 that I've probably in all my career have had the least
11 involvement, almost no involvement. So I have -- I had
12 deferred to Jeff Poupart and then his immediate direct
13 report Karen Higgins to help steer us through that
14 process.
15 MR. GREENE: Okay. All right. Do you know
16 what factors play into the 401 permitting process?
17 What has to be met for the applicant to receive a
18 certification or a certificate?
19 MR. ZIMMERMAN: In a general sense. I mean,
20 we have to ensure that at least that we're convinced
21 that the projects going to protect water resources in a
22 general sense. And the rules and regulations that
23 apply to that, that part of the program are geared
24 towards ensuring that that happens.
25 MR. GREENE: Okay. So the primary goal is to

1 protect the water resources?
2 MR. ZIMMERMAN: Protect water resources.
3 MR. GREENE: As a result of the project.
4 MR. ZIMMERMAN: Uh-huh.
5 MR. GREENE: Do you know what other factors
6 are -- played into the decision for the certificate?
7 MR. ZIMMERMAN: Outside of what's in the rules
8 and, you know, brief discussions I might have had with
9 Karen and or Jeff, no.
10 MR. GREENE: Okay. Can you refer back to --
11 you initially got involved in the kickoff with the
12 stakeholders?
13 MR. ZIMMERMAN: Right.
14 MR. GREENE: And can you go through what
15 actions or what roles you played and your authority,
16 what decisions were made during the timeframe, you were
17 in the division director's position?
18 MR. ZIMMERMAN: Mainly since I was the senior
19 management member for the division, and I participated,
20 A, to learn a little bit about the process that was
21 really my first exposure to a big project. To make
22 sure that I understood from the division's perspective,
23 what concerns the general public had during that
24 kickoff meeting. I don't even recall that I spoke
25 other than just to introduce myself and welcome people

1 to the meeting. But that was really my main function
2 and then ultimately as the division director, once that
3 certification decision was made, whether it was to
4 approve it or deny it, then as the division director it
5 would be my responsibility to sign that certification.
6 MR. GREENE: I want to show you some notes
7 dated 5/25/2017. I believe, these were pulled off the
8 public site or the DEQ public staff or -- sorry, staff
9 files. Is that the meeting you would have been
10 referring to?
11 MR. ZIMMERMAN: No. I think, it was prior to
12 this, probably some time in March or April.
13 MR. GREENE: Okay. This particular meeting,
14 do you recall it?
15 MR. ZIMMERMAN: Not specifically, we had a
16 number of meetings internally between staff, myself and
17 the department, during which time we were trying to
18 navigate the process and understand or make sure we
19 understood what all the pieces were that needed to be
20 considered as part of issuance of the 401. And so --
21 did you have a question about the highlighted section?
22 MR. GREENE: Yes, sir.
23 MR. ZIMMERMAN: Okay.
24 MR. GREENE: If you can read that. If you
25 don't mind, read it out loud.

1 MR. ZIMMERMAN: Okay.
2 MR. GREENE: I can kind of see over there.
3 MR. ZIMMERMAN: Okay.
4 MR. GREENE: For the record.
5 MR. ZIMMERMAN: Okay. It says cumulative
6 impact - how deficient and did we communicate
7 expectation? Did they look at other pipeline projects?
8 MR. GREENE: Okay. And I'll go back to this
9 meeting date, I believe, it's 5…
10 MR. ZIMMERMAN: 25, May 25 of 2017.
11 MR. GREENE: Do you recall who was
12 participating in that meeting?
13 MR. ZIMMERMAN: Not specifically, unless I --
14 sometimes I'll make a note in the margins of who might
15 have attended.
16 MR. GREENE: Uh-huh.
17 MR. Lane: Can I just clarify one thing, are
18 these your notes?
19 MR. ZIMMERMAN: Yes. That looks like my
20 writing.
21 MR. Lane: Yeah. Thank you.
22 MR. GREENE: Very good. All right. And the
23 highlighted section that you just read.
24 MR. ZIMMERMAN: Uh-huh.
25 MR. GREENE: Can you explain what that note is

1 about?

2 MR. ZIMMERMAN: Well, I learned through this

3 process, that it's not simply -- the 401 certification,

4 not simply about water quality protection, that's a

5 major focus. But also cumulative impacts that might

6 come about as a result of -- say, growth, for example,

7 associated with a given project. And what impacts they

8 might have on water quality. And so that was sort of a

9 note to myself just kind of asking a question, you

10 know, was that -- is that something that's important?

11 Was it deficient? Have we communicated expectations

12 upfront? What the expectations are?

13 MR. GREENE: Do you know the answer to that

14 question whether you communicated them upfront?

15 MR. ZIMMERMAN: Normally no, not specifically.

16 MR. GREENE: Okay. And so when we're talking

17 about communicated them upfront we are talking about to

18 the applicant, in this case, the ACP…

19 MR. ZIMMERMAN: Presumably, that's who we

20 would be communicating with. And it would be an

21 expectation of staff to make sure.

22 MR. GREENE: Okay.

23 MR. ZIMMERMAN: That that communication

24 occurred.

25 MR. GREENE: Okay. That (inaudible) you know

1 what document it is. And you stated that you are
2 learning the process of the 401 certification.
3 MR. ZIMMERMAN: Correct.
4 MR. GREENE: Were you involved in any other
5 401 certification projects?
6 MR. ZIMMERMAN: I was. One was the -- the
7 first one that I recall was back when I was a regional
8 supervisor was the former Tiger Woods golf course out
9 in the Western part of the state. And there were some
10 implications associated with filling in, you know, some
11 wetlands and some trout streams. So that was my first
12 experience in evaluating, you know, a 401 project. The
13 bulk of that evaluation actual heavy lifting the work
14 was performed by the 401 staff, not myself.
15 MR. GREENE: Okay. During this time, we're
16 talking 2017 as the division director. How many 401
17 applications were being reviewed at that time?
18 MR. ZIMMERMAN: I would have no idea.
19 MR. GREENE: Do you have a ballpark idea of
20 would we be talking hundreds?
21 MR. ZIMMERMAN: I don't know. You know, that
22 would be information I would have to get from a
23 database. That would -- that's something that as a
24 division director, I'm not -- at least me when I was
25 division director, I wasn't keeping tabs on how many

1 applications we're receiving in a given month, year,
2 not just 401 program, but any program, you know, I let
3 the program staff manage that workload.
4 MR. GREENE: Okay. All right. Would, was the
5 ACP 401 one of the larger projects at this time?
6 MR. ZIMMERMAN: As far as I know, because it
7 was one of -- the only one at the time that I was asked
8 to be involved in and to sit in on meetings.
9 MR. GREENE: Okay.
10 MR. ZIMMERMAN: Which isn't, you know, typical
11 for every project. So I presume that it was probably -
12 - using that as the metric was probably one of the
13 larger projects.
14 MR. GREENE: That was going to be my next
15 question. Why was there a need for these meetings?
16 And from what I can gather were these meetings held on
17 a weekly basis, do you recall?
18 MR. ZIMMERMAN: I don't know, if they were
19 held every week and typically, if we schedule meetings
20 internally we'll have a regular schedule that everybody
21 can plan around. I'd have to look at my outlook
22 calendar to see, you know, what was actually scheduled
23 and when and with whom though.
24 MR. GREENE: Okay. And typically who attended
25 these meetings?

1 MR. ZIMMERMAN: If it was with the department,
2 which a lot of them were. It would typically be
3 myself, Sheila Holman, might include somebody from the
4 office of general counsel, program staff, certainly.
5 Jeff Poupart and or Karen Higgins and sometimes both.
6 MR. GREENE: Okay. I've got. Again, this is
7 from the staff notes. And this is a meeting dated
8 September 8. 2017. And at the top it says ACP meeting.
9 MR. ZIMMERMAN: Uh-huh.
10 MR. GREENE: And as you said earlier, you put
11 -- who attended on the side over there on the margins.
12 So I'll let you just review that. Primarily, I'm
13 interested, if you can just read who was attending at
14 that point in time.
15 MR. ZIMMERMAN: This meeting September 8th of
16 2017. My notes indicate secretary -- and these are my
17 notes.
18 MR. GREENE: Thank you.
19 MR. ZIMMERMAN: I can -- again from my
20 handwriting. Secretary Reagan, Deputy Secretary
21 Nicholson, Assistant Secretary Holman, Sheila Holman,
22 Jeff Poupart, Karen Higgins, Sarah Rice, Toby Vinson
23 (phonetic), Michael Abraczinskas-- Michael Pjetraj
24 (phonetic) Jennifer Mundt (phonetic) and Bridget
25 Munger.

1 MR. GREENE: Okay. And what were some of the
2 topics there initially at the top that are highlighted
3 that are your notes? What, if you can read those?
4 MR. ZIMMERMAN: The highlighted notes are…
5 MR. GREENE: And those are my highlights.
6 They're not yours. I'll clarify that.
7 MR. ZIMMERMAN: Right. Correct.
8 MR. GREENE: Are what is our role and what is
9 happening nationally? And what can we do to address
10 disproportionate impacts?
11 MR. ZIMMERMAN: Okay. And what is our role
12 and what is happening nationally? Is that something…
13 MR. GREENE: How was that brought up in the
14 meeting?
15 MR. ZIMMERMAN: My general recollection was
16 just how does this project compare with what other
17 projects -- similar projects that might be going on.
18 And some general discussion about, well what are other
19 states doing what are they faced with?
20 MR. GREENE: Okay. And then the second
21 highlighted note there.
22 MR. ZIMMERMAN: So what can we do to address
23 disproportionate impacts?
24 MR. GREENE: What does that mean,
25 disproportionate impacts?

1 MR. ZIMMERMAN: Well, by this time there --
2 there had been some concern expressed about the impacts
3 of the pipeline to the surrounding communities. And
4 some of those impacted individuals or entities felt
5 that they were shouldering. I guess, for lack of a
6 better word, more of an impact than they felt was
7 appropriate.
8 And so this is sort of a note that, you know,
9 my attempt to summarize, well, is that an issue? And
10 if it is, is there anything we can do about it? Is it
11 outside the scope of the 401 permit? Not to say that
12 it might not be true, but we're constrained by what's
13 in the 401 regulations. That's what we're looking at.
14 So some of these things may or may not fall within the
15 scope of what those regulations allow us to do or
16 control.
17 MR. GREENE: In meetings such as this, and
18 which it was a topic were there varying opinions on
19 that?
20 MR. ZIMMERMAN: Not -- well, I'm sure there
21 are like any meeting that, I don't know, I've been to
22 many meetings, unless I'm sitting by myself, where I'm
23 in total agreement with what other people are saying.
24 I don't recall anything specifically. Nothing that
25 stands out where somebody, you know, said something

1 that was significantly counter to what the rest of the
2 group might have felt.
3 MR. GREENE: Okay.
4 MR. ZIMMERMAN: Or expressed.
5 MR. GREENE: Okay. And looking at a lot of
6 these staff file notes. It seems like this cumulative
7 impact was a regularly discussed item. Do you recall
8 discussing them at the majority of the meetings?
9 MR. ZIMMERMAN: Not a majority. Initially,
10 you know, although I knew or I had heard that
11 cumulative impacts had to be considered, I didn't
12 necessarily know in what context. And for me, it was
13 really an exercise in trying to filter out what's a
14 true cumulative impact in the context of 401? And me
15 trying to understand that versus somebody alleging that
16 something's an impact and should be considered, that
17 maybe falls outside of the rules.
18 MR. GREENE: Right. And what was the
19 department's position at that time? How it relates?
20 Like you just said someone, was it outside the rules?
21 Do we need to really focus on this, at what cost or at
22 what time consumption I would say?
23 MR. ZIMMERMAN: Well in, you know, in all of
24 the meetings that I sat in. The department, I guess,
25 staff or management wanted us to make sure that we were

1 following the rules, you know, stick with the rules.
2 You know, to the extent that there might be something
3 that was a little bit of a gray area, then we'd want to
4 – they'd want to discuss that with us, or hear our
5 opinion. Let's say (cross talk).
6 MR. GREENE: What's a gray area?
7 MR. ZIMMERMAN: I think only in the context
8 of, you know, and remember, there's a lot of discussion
9 about jobs. And does the pipeline really bring in the
10 number of jobs that that it's alleged to bring in. You
11 know, the amount of money that it would bring in, you
12 know, to the state and then there's some questions
13 people were -- the public in particular, and some of
14 the environment groups were questioning whether or not
15 that was real.
16 My communication with staff was -- we just
17 need to stick with the rules. If that something that
18 we would consider as part of a 401 then fine, let's
19 consider it. I don't know how it's considered. I
20 mean, I don't have the experience of other 401 permits.
21 So I don't know. But if it's something that falls
22 outside the scope of a traditional 401 certification.
23 And then, you know, people are entitled to their
24 opinion. But it may not be something we can really
25 address through that 401 certification process.

1 MR. GREENE: Okay.
2 MR. ZIMMERMAN: So stick to the rules of how
3 this is to be determined, the certificate.
4 MR. GREENE: Right. Were there any people
5 above you that had a different viewpoint on how that
6 would be addressed?
7 MR. ZIMMERMAN: How -- what would be
8 addressed?
9 MR. GREENE: The cumulative impact and how
10 that factored into the permitting process or the depth
11 involved in determining it?
12 MR. ZIMMERMAN: Not to my recollection. I
13 think my -- in the meetings I was in -- it was repeated
14 a number of times to follow the rules. We need to be
15 consistent, you know, with what we've done in other
16 cases. And again, so I don't know what we've done in
17 other cases. So I don't have that as a benchmark
18 against which to compare this. But the general
19 communications that we'd received is, you know, we need
20 to be thorough, we need to follow the rules, and we
21 need to be consistent with what we've done in other
22 presumably other 401 cases. I defer to staff like
23 Karen Higgins, Jennifer Burdette and even to some
24 extent, Jeff as the section chief to make sure that
25 that we were doing just that.

1 MR. GREENE: Okay. And they had been in those
2 positions or roles and had more of a knowledge base
3 regarding the 401 permitting process?
4 MR. ZIMMERMAN: Absolutely.
5 MR. GREENE: Okay. Were the ACP meetings like
6 this, were there other projects that had these type
7 meetings during this time period?
8 MR. ZIMMERMAN: Oh, no (cross talk).
9 MR. GREENE: On a weekly basis or on a regular
10 basis did you have other projects outside the ACP that
11 you would meet with say these individuals that you're
12 meeting with?
13 MR. ZIMMERMAN: Other 401 project?
14 MR. GREENE: Yes, sir. Sorry.
15 MR. ZIMMERMAN: I don't recall during my
16 tenure, which was about eight months. My -- to the
17 best of my recollection, my time was spent on the only
18 401 project that -- of any significance that I spent --
19 that I spent time on -- the only one that I spent time
20 on that I can recall was ACP.
21 MR. GREENE: Okay. Here is another note dated
22 September 29, 2017. And it's -- I believe, is that
23 your handwriting?
24 MR. ZIMMERMAN: Yes. And I actually signed
25 this one at the top.

1 MR. GREENE: Okay. And we started talking
2 about environmental groups.
3 MR. ZIMMERMAN: Uh-huh.
4 MR. GREENE: If you can read that?
5 MR. ZIMMERMAN: The highlighted section?
6 MR. GREENE: Yes, sir.
7 MR. ZIMMERMAN: So it's dated September 29 of
8 2017. And it's the third bullet, environmental groups
9 have requested second public hearing, discussing with
10 Secretary Regan when possible.
11 MR. GREENE: Was that done?
12 MR. ZIMMERMAN: I don't know. I mean, that
13 would be a question, you would have, you'd have to ask
14 Karen Higgins.
15 MR. GREENE: Okay. And so how much
16 interaction did your division have or that the 401
17 water or the water quality division have with
18 environmental groups?
19 MR. ZIMMERMAN: You'd really have to ask
20 Karen, you know, I know that conversations occurred,
21 people had concerns that they would express. But as
22 far as the frequency and duration of whether or not
23 there were other meetings that maybe I didn't attend
24 that I don't really have a good feel for.
25 MR. GREENE: Okay. And the public hearings

1 that you've referred to, that's what an opportunity for
2 the environmental groups and people that are affected
3 to come to these and express their concerns. Is that
4 the primary purpose of a public hearing?
5 MR. ZIMMERMAN: Yes, that's correct.
6 MR. GREENE: And then can you explain as a
7 result, what takes place from those comments?
8 MR. ZIMMERMAN: So if it's a true public
9 hearing versus a public meeting. And both are intended
10 to provide the public information. But a hearing is --
11 I would say more formal, and oftentimes a regulatory
12 requirement for certain types of permits. So for a
13 public hearing then the staff would collect the
14 information that was provided during the hearing, and
15 then determine how that information, how those comments
16 were germane to the issuance of the permit or the
17 certification. And then -- and make decisions about
18 those comments and whether or not any changes to the
19 certification or permit should be made to be responsive
20 to the comments. Were any comments outside of the
21 rules, something that the public might have been truly
22 concerned about? But again, like my last statement,
23 not something that wasn't necessarily consistent with
24 what we're required by rule to consider. So the staff
25 would have to sift through those comments. And

1 incorporate any changes that they felt were appropriate
2 into the certification or permit prior to its issuance.
3 MR. GREENE: Okay.
4 MR. ZIMMERMAN: That's a very general overview
5 of the process.
6 MR. GREENE: Well, that's good news. Good
7 explanation. Thank you. There was also -- I think,
8 was referred to as a listening session. That's not a
9 formal public hearing, is that correct in my
10 understanding?
11 MR. ZIMMERMAN: There was a listening session
12 that I would characterize more of a public meeting,
13 where we just want to hear what people think about a
14 project or something that is before the agency.
15 MR. GREENE: And what was the primary topic
16 for that meeting?
17 MR. ZIMMERMAN: It was the ACP pipeline.
18 MR. GREENE: Okay. Was that the one that
19 involved environmental justice?
20 MR. ZIMMERMAN: The one I'm thinking of, that
21 I recall was at a community college and off the top my
22 head I can't remember whether it was (inaudible).
23 That involved a number of staff that were there to
24 listen to the public. And then the public was invited.
25 It was after normal working hours. I think it started

1 around, I don't know, maybe 6:00 or 7:00. And so the
2 purpose of that was, again, to hear what the public's
3 concerns were.
4 MR. GREENE: Okay. So during this process,
5 there's obviously a clock that starts when the
6 application is filed. And how's the timing of all this
7 affected by that? How's the timeframe? I believe its
8 60 days, unless there's otherwise information requests.
9 Can you explain the timing of the application process?
10 MR. ZIMMERMAN: So typically, and I think to
11 the best of my knowledge, the 401 certification is the
12 same as how we handle other permits. The clock starts
13 once we receive a complete application. So presumably
14 once the application was received, the clock would
15 start, staff would begin their review of the document.
16 If there were deficiencies in that document, those
17 deficiencies are communicated to the applicant, and the
18 clock stops. And traditionally, it would start over at
19 60 days once we got that information, because it's 60
20 days from receipt of a complete application. So if
21 it's incomplete, you know, we don't pick up where we
22 left off. So it's not 60 days total. It's 60 days
23 from receipt of a complete application. And so it's
24 incumbent on the applicant to make sure the application
25 is complete if they want to ensure that it'll be issued

1 say within 60 days.
2 MR. GREENE: And I suppose this is why it's
3 important in that note, we referred to that you
4 communicate the expectations to the applicant. So they
5 can include (cross talk) this notation?
6 MR. ZIMMERMAN: You are referring to something
7 specifically?
8 MR. GREENE: No, no, that one, sorry.
9 MR. ZIMMERMAN: The cumulative impact, how
10 deficient and did we communicate expectation that they
11 look at other pipeline projects. So, yes, so what I
12 typically would make sure that staff understood, and
13 they did understand, is that if we determine something
14 is deficient, you know, we're communicating to them
15 clearly what is needed to make that project complete.
16 And traditionally there's a lot of back and forth. I
17 mean, that's -- that is typical of virtually every
18 permit we issue as an agency. So I don't even know
19 that I can ever recall an application that came in that
20 was complete from the get-go.
21 MR. GREENE: So then you'd have these
22 additional information request. Do you know how many
23 were having additional information requests were
24 involved with the ACP during your tenure?
25 MR. ZIMMERMAN: I do not.

1 MR. GREENE: Do you recall reviewing the
2 additional information request?
3 MR. ZIMMERMAN: I didn't specifically. I do
4 recall having some impromptu meetings where I'd stepped
5 into Karen's office, ask her if we got the information.
6 And that's my typical style, if I know something's
7 pending to go to staff and ask did we get it and how
8 did it look.
9 MR. GREENE: Who typically submits those to
10 the applicant?
11 MR. ZIMMERMAN: Who would sign of on
12 them(phonetic)?
13 MR. GREENE: Yes.
14 MR. ZIMMERMAN: Typically it would -- the
15 letters are drafted by staff, reviewed by and then
16 signed by the supervisor of that program.
17 MR. GREENE: Okay. So at this point it would,
18 be who issuing those?
19 MR. ZIMMERMAN: It would likely be the staff
20 reviewer that I recall was Jennifer Burdette and her
21 supervisor was Karen Higgins. So either would have
22 been -- Karen signing the letter, although it may have
23 been Jennifer. But Karen or possibly even Jeff
24 Poupart.
25 MR. GREENE: Okay. Would it ever go above

1 those?
2 MR. ZIMMERMAN: I guess it could. You said
3 ever. I don't recall…
4 MR. GREENE: I'm sorry, he does. In your
5 tenure did you ever see it go above those?
6 MR. ZIMMERMAN: Not that I recall. It's
7 possible. I just don't recall signing off on it, what
8 we would call an additional information letter.
9 MR. GREENE: Okay. Would it be common that
10 the director -- I'm sorry, the secretary's office asked
11 to be notified or review any of these request?
12 MR. ZIMMERMAN: That does occur. In my
13 experience, at least during my tenure as division
14 director with both administrations, the one prior to
15 this one and the current one, there's varying degrees
16 of involvement by the department, and things that they
17 indicate to me and then to by extension the staff that
18 they want to be aware of or be made aware of. And it
19 will either involve a brief conversation, maybe a
20 meeting or review of the document, that's not unusual.
21 MR. GREENE: Okay. And referring back to the
22 9/29 notes.
23 MR. ZIMMERMAN: Yes.
24 MR. GREENE: The highlighted point down there
25 next to the bottom. You can read that.

1 MR. ZIMMERMAN: The high -- the last bullet?
2 MR. GREENE: Yes sir.
3 MR. ZIMMERMAN: Just the highlighted section
4 or the entire…
5 MR. GREENE: Just the highlighted be fine.
6 MR. ZIMMERMAN: Okay. The highlighted section
7 is "expect to complete review by end of October."
8 MR. GREENE: And what are you referring to in
9 that note?
10 MR. ZIMMERMAN: I probably have to read the
11 entire document --
12 MR. GREENE: Okay. (Cross talk).
13 MR. ZIMMERMAN: -- to get -- have the right
14 context.
15 MR. GREENE: Yes sir.
16 MR. ZIMMERMAN: Okay. And what was the
17 question again?
18 MR. GREENE: If you can't -- I think it was
19 expected the information to receive, what was it,
20 October?
21 MR. ZIMMERMAN: Says expect to complete review
22 by end of October.
23 MR. GREENE: And what would that be pertaining
24 to, the review?
25 MR. ZIMMERMAN: So this meeting was to discuss

1 some of the deficiencies that existed to-date. And one
2 of the previous bullets indicates most issues concern
3 lack of specificity, which is not unusual for
4 applications. Somebody will respond to something that
5 is in the application or in the rules in a generic
6 sense. And that doesn't necessarily tell us what we
7 need to know to make the decisions we need to make.
8 And so we were telling them that we still need more
9 information and it needs to be more specific. That
10 most of the issues we had with their application
11 involved the lack of specificity.
12 So we are constantly going back to the
13 applicant to get more information. They just wouldn't
14 completely answer the question. And they indicated
15 that hope to get it to us by mid-October. And if at
16 all possible, we would try and complete it by the end
17 of October, our review.
18 MR. GREENE: Okay. So you left in November?
19 MR. ZIMMERMAN: November 1st of 2017. So
20 through October.
21 MR. GREENE: So through October. And at that
22 time, it was still not complete?
23 MR. ZIMMERMAN: That is correct.
24 MR. GREENE: Do you know at what stage it was
25 at or you -- did you anticipate it being completed at

1 any other time outside of obviously that note?
2 MR. ZIMMERMAN: I don't know when it was
3 completed. I started working full-time in other
4 responsibilities that the department really wanted me
5 to focus on.
6 MR. GREENE: Okay.
7 MR. ZIMMERMAN: So I don't -- beyond --
8 MR. GREENE: Well, I guess --
9 MR. ZIMMERMAN: -- about late October-
10 November.
11 MR. GREENE: -- I guess your last day as the
12 division director, did you have -- was there discussion
13 regarding the anticipated completion date?
14 MR. ZIMMERMAN: Not that I recall
15 specifically. There was discussion and concerns
16 expressed, and probably is reflected in my notes about,
17 you know, windows of time that they had to start
18 conducting certain phases of the project. But which is
19 not -- again, not unusual for applicants if there are
20 things whether it's related to weather or other things
21 that they kind of want to make sure we're aware of.
22 From my perspective, that's fine, but we need to have a
23 complete application, that's what drives the process.
24 Outside of that, not to sound ugly, I don't
25 really care, you know, if it's getting close to winter

1 or through some window that we're going to miss if we
2 don't issue the permit. It's about issuing the permit
3 or certification consistent with the rules, consistent
4 with our guidance, and consistent with past
5 certifications. To me that's what drives our
6 decisions, and not much else.
7 MR. GREENE: How often would you say you met
8 with the secretary's office, I mean, within the
9 secretary's office regarding the project?
10 MR. ZIMMERMAN: Okay. Could you clarify
11 secretary's office? I mean you're talking assistant
12 secretary Holman or the secretary himself?
13 MR. GREENE: Assistant secretary and the
14 secretary himself, both.
15 MR. ZIMMERMAN: Well, just about every meeting
16 if it involved the department in an environmental issue
17 such as this pipeline here specifically, would have
18 likely involved Sheila -- Sheila Holman is our
19 assistant secretary -- and depending upon the purpose
20 of the meeting, myself and then some program staff,
21 Jeff Poupart, Karen Higgins more than likely. There
22 were a couple meetings that the secretary was involved
23 in, higher level meetings, but those typically then
24 would involve typically more staff than just me and
25 Jeff. It might involve other divisions as well and

1 people within the department that might have a role in
2 helping us formulate, you know, decisions.
3 MR. GREENE: Okay. This is an e-mail coming
4 from Chief Deputy Secretary Nicholson.
5 MR. ZIMMERMAN: Okay.
6 MR. GREENE: And if you could just -- it is --
7 the portion that's highlighted, it's not highlighted on
8 there, but it's darkened.
9 MR. ZIMMERMAN: Right.
10 MR. GREENE: Could you just review that e-mail
11 briefly? Then I'll ask you some -- couple of
12 questions. Basically my question first is what is
13 being asked for you to do?
14 MR. ZIMMERMAN: The question?
15 MR. GREENE: Yes sir.
16 MR. ZIMMERMAN: The question specifically says
17 "From each of your respective divisions what is our
18 drop dead/response requirements on ACP? I'm trying to
19 determine how much time we might have to make some
20 internal adjustments related to ACP, and what our
21 counterparts in other departments are doing/thinking
22 that might impact our thought process." So the
23 question again?
24 MR. GREENE: Well, then the question will be
25 did you have any further discussion with Deputy

1 Nicholson or anyone else regarding that question?
2 MR. ZIMMERMAN: I may have. Traditionally Mr.
3 Nicholson would send a request for information. I
4 would communicate to staff, get that information, and
5 then pass it along to management. And there may or may
6 not be a follow-up meeting or conversation.
7 MR. GREENE: So what's your interpretation of
8 what he was asking for?
9 MR. ZIMMERMAN: Based on what I'm reading
10 here, it appears to be sort of chronology of events,
11 you know, when did things come in, you know, what major
12 milestones. Typically to me, a major milestone in the
13 context of a certification or permit would be when did
14 we send add info letters, when did we get a response,
15 things of that nature to help understand, you know, in
16 other words the drop dead deadline, which I'm going to
17 presume he means the statutory deadline or the
18 regulatory deadline for issuance, where are we in that
19 process.
20 MR. GREENE: Okay. And you had requested that
21 information and we've got some follow-up e-mails and
22 you did get it, but we're not going to go into that.
23 One other thing, how did -- in your position, I'm
24 trying to determine how much time we would have to make
25 some internal adjustments related to ACP, do you know

1 what the reference to that statement is?
2 MR. ZIMMERMAN: Not specifically. I don't
3 recall Secretary Nicholson -- or Deputy Secretary
4 Nicholson discussing those with me. You'd have to talk
5 to him because I don't really know, you know, what that
6 means.
7 MR. GREENE: Right. Okay. This was September
8 6, and I think like I said you did receive that
9 information. It was a table. I don't know if we have
10 that particular table, but…
11 MR. BEERS: Which ones is that?
12 MR. GREENE: We don't really need to go into
13 that, I don't think. At that point in time, do you
14 recall when you thought it was going to -- what the
15 drop dead date was going to be?
16 MR. ZIMMERMAN: No, not at that particular
17 time. Again, you know, Karen is very good, very
18 thorough and very sensitive to the deadlines. We don't
19 want something to go statutory.
20 MR. GREENE: Right.
21 MR. ZIMMERMAN: And so I just really relied on
22 her to ensure that we would meet deadlines and we could
23 defend any request that we made which would then stop,
24 you know, the clock so to speak.
25 MR. GREENE: Okay. Were you familiar with the

1 draft denial letter?
2 MR. ZIMMERMAN: Not that I recall. A draft
3 denial letter?
4 MR. GREENE: Okay.
5 MR. ZIMMERMAN: No.
6 MR. GREENE: Did you ever see a draft denial
7 letter in your position during the tenure of the
8 division director?
9 MR. ZIMMERMAN: Not that I can recall.
10 MR. GREENE: Okay. So you do not recall ever
11 seeing or have seen one issued during that timeframe?
12 MR. ZIMMERMAN: Specific to ACP?
13 MR. GREENE: Specific to any project.
14 MR. ZIMMERMAN: I may have seen a denial
15 letter for a 401 certification, but I can't tell you,
16 you know, what timeframe -- I mean over that 2-1/2-plus
17 years that I was director, I believe I'd signed denials
18 before, permit denials. I don't remember if any were
19 401 certifications. They may have. I don't know.
20 MR. GREENE: Okay. Were there any concerns in
21 your position as the division director as to the time
22 it was taking to issue or deny this permit?
23 MR. ZIMMERMAN: Any concerns that I had with
24 respect? No.
25 MR. GREENE: Okay. Did anyone outside your

1 division express any concerns about the time it was
2 taking?
3 MR. ZIMMERMAN: Not that I recall. Are you --
4 may I ask a clarifying question?
5 MR. GREENE: Sure.
6 MR. ZIMMERMAN: When you ask anyone outside of
7 our division, are you talking about other divisions or
8 you're talking about the general public?
9 MR. GREENE: Well, within the administration,
10 how's that?
11 MR. ZIMMERMAN: Okay.
12 MR. GREENE: In the administration.
13 MR. ZIMMERMAN: Not that I recall.
14 MR. GREENE: Okay. Would you recall anyone
15 ever saying that the department was trying to put up
16 barriers regarding the permitting process?
17 MR. ZIMMERMAN: No, I don't recall anything
18 like that, no comments.
19 MR. GREENE: Okay. And did -- at this point
20 in time you went through I think you said the end of
21 October as the division director. Did your change in
22 positions have anything -- position have anything to do
23 with the 401 process for the ACP?
24 MR. ZIMMERMAN: Not that I'm aware of, not
25 that has been communicated to me. I was spending about

1 75 percent of my time on coal ash related duties. And
2 we had a lot of projects or milestones that had to be
3 met. And what was expressed to me is they wanted some
4 of the folks 100 percent on coal ash duty. So a
5 manager, senior level manager to focus on coal ash.
6 And so I was asked to handle the coal ash program.
7 MR. GREENE: Okay. Did you object to that?
8 MR. ZIMMERMAN: No. Matter of fact I think I
9 said -- I think I expressed in an e-mail that I'd do
10 anything I could to support the department.
11 MR. GREENE: Okay. Do you have…
12 MR. BEERS: Yeah. So I just want to follow up
13 on that. So you said the -- not that you're aware of -
14 - is it -- did you think there's a possibility that
15 could happen that they -- you were removed from that
16 position because of your work with the ACP permitting
17 process or that you were following the rules and could
18 have been moved because of that?
19 MR. ZIMMERMAN: Not that I'm aware of. You
20 know, I, you know, in that capacity you kind of work at
21 the pleasure of the administration. It was an
22 appointed position. I was appointed by the previous
23 administration. When there's a change in
24 administration, some of the division directors were I
25 guess asked to move on. I was not. And at some point,

1 you know, I guess there's an assessment by the
2 administration to decide what they want to do, the
3 direction they want the program to go.
4 The way it was explained to me is they needed
5 somebody to focus 100 percent on coal ash because
6 there are lot of timelines that had to be met, some
7 statutory requirements that had to be met, and they
8 wanted somebody to focus on 100 percent of their time
9 on those activities. And so I was asked -- I was told
10 they're going to make a change in the division. And
11 they really wanted me to focus all my energies on coal
12 ash.
13 MR. BEERS: Had you pushed back in any way to
14 redirect your efforts to follow just the rules to
15 anyone above you prior to being removed from your
16 position?
17 MR. ZIMMERMAN: When you say push back --
18 MR. BEERS: Well…
19 MR. ZIMMERMAN: -- what are you talking about?
20 MR. BEERS: Someone may have suggested that
21 you do things a different way that may have been
22 slightly outside of the rules of the 401 permit, and
23 you were adhering to the rules strictly. Do you
24 remember having any conversations with anyone about
25 your position of following the rules and someone

1 superior to you?
2 MR. ZIMMERMAN: No.
3 MR. BEERS: In any shape or even similar to
4 that?
5 MR. ZIMMERMAN: No. The -- you know, the
6 comments that I had heard is we need to make sure we
7 follow the rules. And you know, my nature is that's
8 what I'm going to do in particular if the rules are
9 clear, you know. When they aren't, we have discussions
10 within the division, sometimes with a department to
11 figure out, well, what is this -- what does a
12 particular rule mean. You know, what’s our policy that
13 we use to implement it. And I may agree or disagree
14 with that. But at the end of the day, you know, I'm
15 going to follow the rules. And to me, it's just that
16 simple.
17 MR. BEERS: Do you remember any discussions
18 where there was a difference of opinion on how this --
19 of how a certain rule applied?
20 MR. ZIMMERMAN: Not specifically. There were
21 discussions, you know, with the applicant, you know,
22 where they may have felt that they provided the
23 information we needed and we weren't satisfied with the
24 information they provided. And I would defer to the
25 staff, you know, to Karen Higgins in particular and

1 Jennifer. You know, they've reviewed a lot of 401
2 certifications. They are the subject matter experts.
3 And I was comfortable that both Karen and Jennifer were
4 following the rules and weren't treating the ACP
5 applicant or applicants, the involved individuals any
6 differently than they would any other applicants.
7 MR. BEERS: I'm just going down the little
8 timeline. This is the hearing officer's report.
9 MR. ZIMMERMAN: Uh-huh.
10 MR. BEERS: You may have seen one of these
11 before. This -- and here's the -- basically a timeline
12 of the application -- I guess the additional request
13 for information.
14 MR. ZIMMERMAN: Okay.
15 MR. BEERS: And when it was received. Look at
16 this timeline, it looks like this number 2, additional
17 information requests on September 14th. Looks like
18 you're receiving information on October 13 and that --
19 and that kind of fits the timeline of when you believe
20 something was going to be reviewed, going to be
21 complete by the end of October. They sent the
22 submission of that additional information, do you
23 remember?
24 MR. ZIMMERMAN: So in the earlier notes that
25 I'd taken where there was an expectation that we would

1 issue certification by the end of October. Again, you
2 know, my recollection of that meeting was we
3 consistently were not getting the information that we
4 wanted. And you know, if that information is provided,
5 you know, do we think we can issue it by the end of
6 October. You know, there's an expectation. And so,
7 well, yeah, if we get everything we ask for, that's not
8 unreasonable. It really depends on the staff workload.
9 MR. BEERS: Right.
10 MR. ZIMMERMAN: If we don't because we have
11 other projects, then, you know, that's the way it is.
12 MR. BEERS: So it looks like the last
13 information request came in October 13th related to
14 this information request number 2. And then on the
15 26th another request for information went out.
16 MR. ZIMMERMAN: Okay.
17 MR. BEERS: Do you recall any conversations
18 about this request being put out there at the end of
19 October right before you were taken from the division
20 or your position?
21 MR. ZIMMERMAN: No. No, I don't.
22 MR. BEERS: Okay. Do you recall at the end of
23 October having any understanding that the permit could
24 have been issued at that time while you were still in
25 your position?

1 MR. ZIMMERMAN: Well, when I was in my
2 position, in the conversations I had with Karen, there
3 was a level of frustration by her and Jennifer that,
4 you know, we would ask for something, we would have a
5 meeting, we would explain our needs, and we'd get the
6 information in, and it might answer part of what we
7 asked for, and not all of it. So there's this constant
8 back and forth where we didn't get the information we
9 needed. Maybe there'd be a subsequent meeting, you
10 know, where somebody would explain -- we would explain
11 in greater level of detail again what we want to -- and
12 that's really, I think that was my sense. And up until
13 the point I left, I didn't have any information or
14 knowledge to suggest that it was imminent, issuance was
15 imminent, it was still in the here we go again stage.
16 MR. BEERS: Okay. Do you -- at the point when
17 you left, do you recall the -- what the primary
18 information that was needed or need to be clarified,
19 what those issues were pertaining to?
20 MR. ZIMMERMAN: My recollection was we still
21 had some questions related to the cumulative impact.
22 We had some questions that I believe I recall a meeting
23 to talk about the drilling activities, when they're
24 going to drill under a stream and the mud that would be
25 generated as a result of that drilling process. So you

1 have to advance the borehole; you fill it with mud to
2 stabilize it; you put in a pipe, and you've got to
3 evacuate that mud, that drilling mud and to ensure it
4 wasn't getting into surface waters or it didn't get
5 spilled.
6 So towards the end of my tenure, the
7 conversations we were having revolved around how
8 they're going to handle the drilling activities, and
9 making sure that any cumulative impact were thoroughly
10 vetted and considered.
11 MR. GREENE: So cumulative impact seems to be
12 ongoing, it was at the beginning of those notes and
13 ongoing. So is that something that was on a regular
14 basis discussed, you just weren't receiving the
15 information from the applicant or…
16 MR. ZIMMERMAN: No, I think it was just the
17 difference of opinion which again isn’t atypical, you
18 know, with the applicant whether we're talking a 401
19 applicant or any other applicant for any other permits.
20 Sometimes there's a difference of opinion with respect
21 to what is needed. And we hold meetings to discuss
22 that. And you know, at some point, as an agency, we
23 have to draw the line and say this is what we need, and
24 if we don't get it, then we will not issue a permit or
25 certification. I don't recall that we ever had that

1 kind of a conversation with the pipeline people. But
2 again, it was just this back and forth of discussing
3 what we needed and why we needed it and then them
4 agreeing to provide it in some fashion. And then we
5 would get the information and it wouldn't quite answer
6 the question, and then we would send another letter.
7 So there's a lot of that throughout the whole process.
8 MR. LANE: We're at 2 minutes.
9 MR. GREENE: Yes sir. Thank you. And I can't
10 recall if I asked these questions. If I did, I
11 apologize. Did you ever have any contact with the
12 governor's office or people working in the governor's
13 office regarding the ACP?
14 MR. ZIMMERMAN: Me personally?
15 MR. GREENE: Yes sir. As director?
16 MR. ZIMMERMAN: As director, not that I did.
17 I was never called to the governor's office or never
18 met with the governor, any of his staff --
19 MR. GREENE: Staff.
20 MR. ZIMMERMAN: -- specifically. There may
21 have been somebody there that I didn't know in one of
22 our bigger meetings. But I don't recall that.
23 MR. GREENE: Okay. Was it ever relayed down
24 to you that there was -- the governor was involved in
25 the permitting process?

1 MR. ZIMMERMAN: No, that was not --
2 MR. GREENE: Did you ever…
3 MR. ZIMMERMAN: -- communicated to me.
4 MR. GREENE: Okay. And anything else with 20
5 seconds to go?
6 MR. BEERS: This is the last question. Did
7 anyone at any time above you, either Sheila Holman or
8 anyone above, give you direction as to make additional
9 information requests that you didn't agree with?
10 MR. ZIMMERMAN: No.
11 MR. GREENE: We certainly appreciate your
12 time.
13 MR. ZIMMERMAN: Thank you.
14 MR. GREENE: We appreciate --
15 MR. ZIMMERMAN: Sure.
16 MR. GREENE: -- all you do for the state. And
17 I'm going to -- the time is 11:15, and I'm going to
18 stop.
19
20
21
22
23
24
25

1

I, Stanley J. Zimmerman, 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.

Interviewee's Signature

STANLEY J. ZIMMERMAN

Interviewee's Printed Name

Oct. 17, 2019

Date

State of North Carolina, County Wake

I, Janet T Mack, Notary Public

Do hereby certify that Stanley J. Zimmerman

Personally appeared before me this day and acknowledged

The due execution of the foregoing instrument.

Witness my hand and official seal, this 17th day of

October, 2019

Janet Mack, Notary Public

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

EXHIBIT

A

Amy Zimmerman
9/29/2017

ACP / Dominion / Duke / DEQ mtg

Sheila H.
Jennifer B.
Karen H.

Richard Gangle, Spencer Triebell, Mark McAntire

- Discuss expectations related to 401 app
- 60 day clock begins upon receipt.
- Env. groups have requested 2nd public hearing; discussing w/ Sec Regan when possible
- Discussed general needs w/ ACP reps; most issues concerned lack of specificity or need for drawings depicting examples (plan view, X sections, etc.)
- Discussed need for confirmation of S&EC and general permit and need to assert compliance.
- Expect to complete review by end of October, information ~~this~~ needs discussed will be submitted by mid-October, when staff anticipate the ability to initiate review.

ACP Prep Mtg 5/25/2017

Is there a Federal stakeholder process? FERC?

Followup on permanent impacts? Let Sheila know exactly where permanent impacts occur (tribal lands, disadvantaged)

Cummulative impact - how deficient and did we communicate expectation? Did they look @ other pipeline projects

ACP Mtg 9/8/2017

Sec. Regan
Dep. Sec Nicholson
Asst sec. Holman
Jeff Pompeii
Karen Higgins
Sarah Rice
Toby Vinson
Michael Abramowicz
Michael Pjeha
Brandee Mundt
Budget Manager

What is our role and what is happening nationally?

What can we do to address disproportionate impacts?

DWR

- Application rec'd 5/8
- Public hearings in June & July - rec'd 10,000 comments; many are form letters
- Preparing to request additional information; extensive in nature and based on public info responses
- Requesting a quantitative analysis in Lumber River area
- DWR opted for individual certification and public hearing to give public greatest opportunity for input

DEMLR

- SEC apps in and under review
- State gen stormwater permit - Sec Regan asked about consistency and why no go the individual route? Want agency to be consistent in our approach.

DAQ

- Compressor station in NH County - 3 nat. gas compressors and emer. backup generators; will have to comply w/ stringent Fed. reqmts for new sources.

ACP Briefing 9/27/2017

- DWR rec'd 401 add'l info on 9/22/2017 - partial submittal; some appears adequate and some responses generic. Will need more info likely.
- DWR waiting on rest of the info originally requested.
- DEMLR coordinating SEEC plan submittal info w/ DWR 401 staff to ensure consistency.
- DAQ processing a minor permit application; will post notice and ~~hold~~ hold public hearing; proposed compressor station on Va border; DAQ reached out to Va DEQ.
- DAQ evaluating cummulative impacts

** Sheila asked other Divisions to look @ what other states are doing related to cummulative impacts.

Thursday a.m. DEQ getting briefing on natural gas @ 8:30

EXHIBIT

B

From: Zimmerman, Jay
Sent: Wednesday, September 06, 2017 7:07 AM
To: Higgins, Karen <karen.higgins@ncdenr.gov>
Cc: Poupart, Jeff <jeff.poupart@ncdenr.gov>; Wrenn, Brian L <brian.wrenn@ncdenr.gov>
Subject: Fw: ACP
Importance: High

Karen,

I realize Jennifer is out, but can you pull something together with help from Brian if needed. Note the major milestones such as receipt of app, public hearings, add info requests, etc., as well as anticipated timeline going forward. I'd like this by COB tomorrow, so that I have time to review.

Thanks

Jay

From: Nicholson, John A.
Sent: Tuesday, September 5, 2017 12:44:09 PM
To: Zimmerman, Jay; Abraczinskas, Michael; Davis, Tracy **Cc:** Holman, Sheila
Subject: ACP

Gents,
I have a question for you and then a request.

Question: From each of your respective Division's what is our "drop dead" / response requirement on ACP? I am trying to determine how much time we might have to make some internal adjustments related to ACP and what our counterparts in other Departments are doing/thinking that might impact our thought process.

Request: Can each of you please give me a timeline on when your respective Division's started working on the ACP and the major milestones you have worked on as it has moved through the decision-making process.

I need something NLT noon on Friday (8 Sep). Let me know if you have any questions. Thanks
John

John A. Nicholson

Chief Deputy Secretary
North Carolina Department of Environmental Quality

(919) 707-8624 office

john.nicholson@ncdenr.gov

217 West Jones Street 1601 Mail Service Center Raleigh, NC 27699

EXHIBIT

C

January 22, 2018

MEMORANDUM

To: Linda Culpepper
Interim Director, Division of Water Resources

From: Brian Wrenn, Ecosystems Branch Supervisor
Division of Water Resources, Water Sciences Section

Subject: Hearing Officer's Report and Recommendations
Atlantic Coast Pipeline, LLC
Individual 401 Water Quality Certification and Buffer Authorization Certificates
Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties

I served as the Hearing Officer for the subject Public Hearings held at the Fayetteville Technical Community College in Fayetteville, NC on July 18, 2017 and at the Nash Community College in Rocky Mount, NC on July 20, 2017. The public hearings were held under the authority of Title 15A NCAC 02H .0504. The purpose of these public hearings was to receive comment on the Division of Water Resources' 401 Water Quality Certification (401 WQC) and buffer authorization certificates application (Appendix A) submitted by Atlantic Coast Pipeline, LLC (ACP). A 401 WQC and buffer authorization certificates are needed to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

In addition to listening to oral comments at the public hearings, I have reviewed all written comments received prior, during and after the public comment period. In preparation of this report, I have considered all of the public comments, the public record, discussions with Division of Water Resources (DWR) staff related to the rules, and their review of the applications for the project.

The report has been prepared using the following outline:

I. Site History / Background
II. July 18, 2017 Public Hearing Summary
III. July 20, 2017 Public Hearing Summary
IV. Comments
V. Recommendations
VI. Summary
VII. Appendices

I. History / Background

On May 9, 2017, Atlantic Coast Pipeline, LLC (ACP) submitted an application for a 401 WQC and buffer authorization certificates. ACP had previously applied to DWR on October 23, 2015. DWR requested additional information on November 18, 2015. The requested information was not provided, therefore DWR returned the application on August 31, 2016.

ACP is proposing to construct and operate an approximately 605-mile-long interstate natural gas transmission pipeline system including laterals through West Virginia, Virginia and North

Carolina. In North Carolina, ACP is proposing to construct one compressor station and install approximately 186 miles of transmission pipeline and appurtenances, including 3 metering and regulating stations, 11 valve sites and 4 pig launchers/receivers, through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland and Robeson Counties.

ACP is proposing over 300 crossings of streams and open waters, temporarily impacting over 35,000 linear feet and permanently impacting over 700 linear feet of stream. ACP is also proposing crossing wetlands, temporarily impacting over 450 acres and permanently impacting less than one acre of wetlands. ACP will impact protected riparian buffers within the Neuse and Tar-Pamlico River basins, impacting over 655,000 square feet of zone 1 and over 459,000 square feet of zone 2 protected riparian buffer.

DWR requested and received additional information several times throughout the application review process:

Date	Action
June 27, 2017	Req. for Add Info (1)
July 12, 2017	Add Info Received (1)
September 14, 2017	Req. for Add Info (2)
September 22, 2017	Add Info Received (2)
October 2, 2017	Add Info Received (2)
October 13, 2017	Add Info Received (2)
October 26, 2017	Req. for Add Info (3)
November 4, 2017	Add Info Received (3)
November 15, 2017	Add Info Received (3)
November 28, 2017	Req. for Add Info (4)
November 29, 2017	Add Info Received (4)
December 8, 2017	Add Info Received (4)
December 14, 2017	Req. Correction to (4)
December 20, 2017	Add Info Received (4)
January 17, 2018	Add Info Received
January 18, 2018	Add Info Received

Under the authority of Title 15A NCAC 02H .0504, DWR held a public comment period from June 16, 2017 until August 19, 2017 to accept public input on the application. The public comment period included two public hearings described below.

In accordance with Title 15A NCAC 02H .0503, notice of the public hearings and availability of the 401 WQC and riparian buffer authorization certificates application was published in The Fayetteville Observer, the News & Observer, the Rocky Mount Telegram, the Roanoke-Chowan News-Herald, the Robesonian and the Wilson Times on June 17, 2017, in the Daily Herald and the Sampson Independent on June 18, 2017, and posted online and sent by mail to the Water Quality Certification Mailing List on June 16, 2017 (Appendix B). A correction to the public notice to correct a typo in the pipe diameter was posted online on June 19, sent to the mailing list on June 20, and issued in the newspapers on June 21 and 22 (Appendix C).

The public comment period ended on August 19, 2017; however, since August 19th was a Saturday, DWR accepted comments through Monday, August 21.

II. July 18, 2017 Public Hearing

A public hearing was held July 18, 2017, at 6 p.m. at the Fayetteville Technical Community College in Fayetteville, NC. The public hearing was held under the authority of Title 15A NCAC 02H .0504. This was a public hearing to receive public comment for the DWR 401 WQC application (Appendix A) submitted by ACP in order to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

One hundred thirty-nine people attended the July 18 public hearing, including eight staff members from the Department. A total of 131 individuals signed the attendance sign-in sheets at the registration table (Appendices D and E). The hearing officer provided opening remarks and Jennifer Burdette, DWR, presented background information on the 401 WQC process and the proposed application before the hearing was opened for public comment. Forty-four individuals registered in advance of the hearing to provide comments, and two additional individuals made comments for a total of 46 speakers. Speakers were given three minutes for initial presentations. Additional time was allowed for speakers after everyone that registered to speak was finished, which was used by three speakers. The list of speakers is included (Appendix E).

The public hearing transcript, including oral comments, is attached to this report (Appendix H). DWR also received approximately 9,600 written comments during the public comment period from local and state government agencies, individual citizens, and citizen groups (Appendix J). Approximately 8,220 comments were opposed to the project and approximately 1,370 were in favor. Some of the comments were written transcripts of the comments provided during the public hearings. A summary of the comments for both hearings and the comment period, along with detailed responses that have a direct impact on the certification decision making process are included in Sections IV and V below.

III. July 20, 2017 Public Hearing

A second public hearing was held July 20, 2017, at 6 p.m. at the Nash Community College in Rocky Mount, NC. The public hearing was held under the authority of Title 15A NCAC 02H .0504. This was a public hearing to receive public comment for the DWR 401 WQC application (Appendix A) submitted by ACP in order to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

One hundred seventy-six people attended the July 20 public hearing, including eight staff members from the Department. A total of 168 individuals signed the attendance sign in sheets at the registration table (Appendices F and G). The Hearing Officer provided opening remarks and Jennifer Burdette, DWR, presented background information on the 401 WQC process and the proposed application before the hearing was opened for public comment. Sixty-five individuals registered in advance of the hearing to make comments. Speakers were

given three minutes for presentations and the hearing was held open an additional thirty minutes to allow all speakers that registered to speak. The list of speakers is included (Appendix G).

The public hearing transcript, including oral comments, is attached to this report (Appendix I). DWR also received approximately 9,600 written comments during the public comment period from local and state government agencies, citizens and citizen groups (Appendix J). Approximately 8,220 comments were opposed to the project and approximately 1,370 were in favor. Some of the comments were written transcripts of the comments provided during the public hearings. A summary of the comments for both hearings and the comment period, along with detailed responses that have a direct impact on the certification decision making process, are included in Sections IV and V below.

IV. General Comments

The following is a summary of the comments received during the July 18, 2017 and July 20, 2017 public hearings and emails and other written comments received by DWR during the public comment period. Comments received outside of the public comment period were made part of the public record. An overwhelming majority of the comments were in opposition to the pipeline for a variety of reasons.

- Many comments received expressed concerns about the continued use of fossil fuels, specifically fracked natural gas, and their negative impact on climate change. Many think NC and the US should be moving toward the use of renewable energy sources. Proponents of the project believe that natural gas is a "clean" fuel option to replace coal and other fossil fuels.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the Federal Energy Regulatory Commission (FERC).

- Many comments received were skeptical of ACP's promotion of the project as a job creation opportunity and economic stimulator for local communities. Several pointed out that ACP's own job creation estimates are very low and that the economic benefits to local communities are vague. Proponents of the project reiterated that the pipeline would bring jobs and economic development to NC.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the NC Department of Commerce.

- Many comments received expressed concerns about the cumulative impacts analysis provided by ACP. Many believe that the analysis did not contain sufficient detail to properly evaluate the cumulative impacts. Some comments indicated that the temporary impacts from the project should be considered in the cumulative impact analysis and that the sheer volume of temporary impacts should be calculated to equal some level of permanent impacts.

  Cumulative impacts are addressed in Section V below. Further comments should be directed to the U.S. Army Corps of Engineers (Corps).

- Many comments received questioned the purpose and need of the project. Many pointed to evidence that the growth of natural gas markets was estimated to be negligible and questioned the need to build such a large and expensive pipeline. Many noted that the market demand was generated through companies owned or affiliated with Duke and Dominion power companies and that the need was self-serving rather than one identified through public interest. Furthermore, several commenters stated that the purpose of economic benefit was misleading as ACP's own estimates predict little permanent job growth as a result of the project.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to FERC and the Corps.

- Many comments received expressed concerns about environmental justice issues associated with pipeline's construction and operation. Many believe that the pipeline will have a disproportionate impact on low-income and minority communities. Many commenters feel that ACP has not made significant efforts to coordinate with these communities or to consider other routes that would reduce the impacts on these communities. Specifically, several commenters mentioned ACP's lack of coordination with state-recognized tribes such as the Lumbee and Haliwa-Saponi. Furthermore, they do not believe ACP has adequately addressed potential impacts to cultural resources along the pipeline route.

  Environmental Justice is addressed in Section V below. Further comments should be directed to FERC.

- Several commenters expressed opposition to ACP's use of eminent domain to obtain right-of-way for the pipeline.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the NC Attorney General's Office.

- Several commenters raised concerns about Duke Power's past record of non-compliance with environmental regulations and permits.

  Compliance Inspection recommendations are addressed in Section V below.

- Several commenters raised concerns about living within the "blast zone" of the pipeline and questioned ACP's liability response should an explosion occur. Others believe that the pipeline is a safe and efficient way to transport natural gas.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to FERC.

- Many comments received expressed concerns over ACP's potential impacts to water quality from erosion and sedimentation. Many commenters feel that ACP's erosion and sedimentation control plan is inadequate and lacks sufficient detail. Others believe that trenching through streams and wetlands will have a negative effect on stream stability and threaten wildlife. Concerns over blasting effects were also raised.

  Water Quality is addressed in Section V below.

- Many comments received expressed concerns over impacts to wildlife, specifically threatened and endangered species. Many felt that the construction activities could destroy critical habitat and primary nursery areas for a variety of terrestrial and aquatic species. Others felt that the extensive coordination process with the US Fish and Wildlife Service and NC Wildlife Resources Commission (NCWRC) has adequately addressed any potential impacts.

  Aquatic species are addressed in Section V below. Further comments should be directed to NCWRC.

- Many commenters believe that the 401 WQC application is incomplete. They pointed to the lack of erosion and sedimentation control plans and site-specific water body crossing details as evidence that necessary information was missing from the application. In contrast, some commenters believe that the ACP project has gone through an extensive regulatory review process.

  The Division requested additional information multiple times as detailed in Section I above.

- The overwhelming majority of comments received raised concerns over the degradation of ground and surface waters as a result of the construction and operation of the pipeline. Many commenters mentioned the large number of streams and wetlands that would be crossed by the pipeline and raised red flags regarding the large amount of temporary and permanent impacts. They connected these impacts with the degradation of downstream uses including drinking water supply, aquatic life, primary and secondary contact recreation, and fisheries. Furthermore, commenters spoke in detail of the loss of wetlands through temporary impacts. Many felt the temporal and permanent vegetation changes from temporary wetland impacts should be considered permanent wetland impacts. Finally, many comments were made regarding potential impacts to drinking water wells. A significant level of concern was present among the commenters about impacts to wells from construction activities (mainly blasting activities) and operation of the pipeline.

  Degradation is addressed in Section V below.

V. Certification Specific Comments and Recommendations

Based on the review of public comments, the application, the North Carolina General Statutes and Administrative Code, and discussions with DWR staff, I offer the following comments and recommendations on the criteria for issuance of a 401 WQC pursuant to 15A NCAC 02H .0506(b) and the issuance of Neuse and Tar-Pamlico River Basin Buffer Authorization Certificates pursuant to 15A NCAC 02B .0233 and 15A NCAC 02B .0259, respectively.

15A NCAC 02H .0506(b)

(1) Has no practical alternative under the criteria outlined in Paragraph (f) of this Rule. Paragraph (f) states: "A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs the basic project purpose cannot be

practically accomplished in a manner which would avoid or result in less adverse impact to surface waters or wetlands."

The project proposes to construct a pipeline to transport natural gas from West Virginia and Pennsylvania through Virginia and North Carolina. The North Carolina portion of the proposed route will be constructed through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties. As part of the Federal Energy Regulatory Commission (FERC) National Environmental Policy Act (NEPA) analysis, ACP investigated several alternatives to meet the purpose and need of the project including no build, alternative energy, energy conservation, and system alternatives. Of these alternatives, FERC and ACP found that the build alternative best met the purpose and need of the project.

Next, ACP conducted an extensive alternatives analysis on potential route locations including collocation of the ACP with existing pipelines as well as Eastern and Western route alternatives. Ultimately, ACP chose the Eastern route as the best option based on the evaluation of a variety of criteria such as project length and human and natural resources. ACP continued to refine the Eastern alternative balancing a variety of human and natural environmental resources such as public lands, roads, conservation easements, forested lands, streams and wetlands, known historical and cultural resources, and homes and businesses. Development of the proposed pipeline route included the analysis of seventeen major route alternatives and thrity-seven minor adjustments in the North Carolina portion of the project in an effort to avoid and minimize impacts to these resources. This analysis included pre- and post-application communication with DWR and NC Wildlife Resources Commission (NCWRC) on avoidance and minimization opportunities. ACP has continued to refine the avoidance and minimization practices in response to additional information requests from DWR and through environmental commitments. A more detailed discussion of avoidance and minimization can be found below.

***Recommendation**: None. The applicant has sufficiently demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impact to surface waters or wetlands.*

(2) Will minimize adverse impacts to the surface waters based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions under the criteria outlined in Paragraph (g) of this Rule.
Paragraph (g) states: "Minimization of impacts may be demonstrated by showing that the surface waters or wetlands are able to continue to support the existing uses after project completion, or that the impacts are required due to:
(1) The spatial and dimensional requirements of the project; or
(2) The location of any existing structural or natural features that may dictate the placement or configuration of the proposed project; or
(3) The purpose of the project and how the purpose relates to placement, configuration or density.

The applicant has minimized impacts to surface waters and wetlands to the greatest extent practical. The permanent impacts will be 766 linear feet of streams and 0.80 acres of wetlands. The permanent impacts related to streams and wetlands will be a result of

upgrading and improving access roads constructed for installation and maintenance of the pipeline, not from the pipeline itself. All crossings of major rivers will be conducted using horizontal directional drilling (HDD) to avoid open trenching. The magnitude of the temporary impacts is very high but within reason considering the size and scope of the project. The applicant will use a narrower construction corridor when crossing wetlands and construction techniques such as timber matting, temporary work bridges, and clean rock over piping to minimize temporary impacts to streams and wetlands. Temporary impacts to streambanks and wetland areas will be restored to the original contours and revegetated with native plants. ACP will monitor any temporary impact areas in streams or wetlands to ensure there is no permanent loss at these locations. The monitoring plan includes monitoring for a minimum of two years for streams and three years for wetlands with stability, vegetation, and hydrology requirements. Upon successful completion of the restoration and monitoring activities, the stream and wetland impact areas will continue to support existing uses of hydrology, vegetation, and aquatic and wildlife habitat.

The applicant has committed to a number of best management practices to avoid and minimize impacts to streams and wetlands.

- *Demarcation of wetland boundaries with flagging and signs prior to start of construction*
- *Use of temporary work bridges, matting and pads to reduce the risk of soil compaction*
- *Trench backfilling using native material to prevent soil contamination and to accelerate revegetation*
- *Limiting operation of construction equipment in wetlands to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*
- *Installing trench breakers or plugs at the boundaries of wetlands to prevent draining of wetlands*
- *Pump-out activities in the work area will be routed through an energy dissipation/sediment filtration device prior to discharging to waterbodies*
- *Use of a project-specific invasive plant species management plan*
- *Stump removal, grading, and excavation will be limited to the area immediately over the trench line to maintain native seed and rootstock*
- *Coating for concrete-coated pipe will be conducted at least 100 feet from surface waters and springs*
- *Prohibiting use of live concrete as a building material so that wet concrete does not come in contact with surface waters*
- *Prohibiting storage of chemicals, fuels, hazardous materials, and lubricating oils within 100 feet of surface waters*
- *Voluntarily implementing the requirements of the Construction Stormwater General Permit No. NCG010000*
- *Use of horizontal directional drilling for all major river crossings*
- *Implementation of a Spill Prevention, Control, and Countermeasure plan and a Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency plan*

ACP has completed formal consultation with US Fish and Wildlife Service (USFWS) on threatened and endangered species along the corridor. In an October 16, 2017 biological opinion, USFWS did not identify any threatened and endangered species or sensitive habitat in NC along the proposed corridor. ACP has also coordinated extensively with the NCWRC. This coordination began with the alternatives analysis and site-specific routing of the pipeline. ACP worked with NCWRC to avoid threatened and endangered species and sensitive habitats and to develop relocation protocols for fish and mussels. ACP conducted pre-construction surveys for fish and mussels in the Neuse River at the proposed crossing location. These surveys found that the mussel population was much more abundant and diverse than previously known. This survey and the continued coordination with NCWRC resulted in ACP's revised proposal to use HDD at the Neuse River instead of open trenching. ACP has also developed a relocation plan for fish and mussels in coordination with NCWRC.

***Recommendation**: The applicant has sufficiently demonstrated that impacts to surface waters and wetlands are required due to spatial considerations, natural features and the purpose of the project. The 401 WQC should include requirements for monitoring of temporary impact areas in accordance with the proposed restoration and monitoring plan. The certification should also include reopener language in the event that temporarily disturbed wetland areas do not return to wetland conditions as defined by the 1987 US Army Corps of Engineers (Corps) Wetland Manual and confirmed by a Corps representative. The reopener language should require a modification to the 401 WQC to account for the additional permanent impacts and mitigation for all permanent wetland impacts should the permanent impacts exceed 1.0 acre. Furthermore, the 401 WQC should be conditioned to comply with any work moratoriums suggested by NCWRC for the proposed project as well as the fish and mussel relocation plan.*

(3) Does not result in the degradation of groundwaters or surface waters.

The main risk to surface and groundwater from the ACP project will be during construction activities. These risks include sedimentation and turbidity in surface waters, breaches of drilling fluids during HDD, and spills of petroleum products and hydraulic fluids from fueling and equipment maintenance. In addition, some commenters raised concerns regarding impacts to drinking water wells from trenching and blasting activities associated with the pipeline installation and from possible contamination due to pipeline leaks during operation.

The applicant has committed to working in the dry for all stream and wetland crossings unless site-specific conditions warrant working in wet conditions and the applicant obtains prior written approval from DWR. Proper erosion and sedimentation control measures will be required for the entire project in accordance with the Division of Energy, Mineral and Land Resources (DEMLR) sedimentation and erosion control Certificate of Plan Approval. All temporary fill placed in surface waters related to construction of the pipeline will be removed once installation of the pipeline is completed at the crossing. The stream banks or wetlands will be restored to the original contours and revegetated with a native seed mix to prevent erosion. Only in areas where vegetative stabilization is not successful will hardened stabilization (rip-rap, geogrid, etc.) techniques be used. No hardening will be placed below

the ordinary high water mark. Furthermore, the applicant has voluntarily agreed to meet the requirements of the NPDES Construction Activities General Permit No. NCG010000.

The applicant will store chemicals, fuels, hazardous materials, and lubricating oils and conduct all equipment and vehicle fueling and maintenance at least 100 feet from surface waters and 200 feet from private drinking water wells. In situations where equipment must continue to operate during fueling activities such as dewatering pumps near surface waters, secondary containment structures will be used to prevent any spillage from reaching the surface waters.

The applicant has conducted a desktop survey to identify all known drinking water wells within 150 feet of the pipeline construction corridor. Almost 50 private drinking water wells were located in NC. The applicant proposes to test each well prior to construction for a suite of parameters including pH, total suspended solids, total dissolved solids, conductivity, alkalinity, acidity, sulfates, oil/grease, phenolic, iron, manganese, aluminum, fecal coliform, copper, lead, nickel, silver, thallium, zinc, chromium, arsenic, mercury, selenium, cyanide, calcium magnesium, hardness, chlorides, antimony, cadmium, and beryllium as well as well yields. These tests will provide a baseline of groundwater quality and quantity against which to measure any construction-related impacts. In the event that blasting will occur within 500 feet of a drinking water well, the applicant proposes to conduct pre-blasting monitoring for the parameters listed above. Should the applicant receive a complaint regarding damage to well water quality or quantity, the applicant proposes to conduct post-construction well testing of the same parameters to verify no adverse impacts have occurred. Furthermore, in the event that adverse impacts do occur as a result of construction activity, ACP has committed to providing temporary water supplies, and/or a new water treatment system or well.

Operation of the pipeline is not expected to have adverse effects on surface waters and groundwater. Any post-construction stormwater generated as a result of impervious surfaces installed during construction are subject to state and local stormwater requirements. ACP has committed to using sheetflow and existing stormwater conveyances and drainage ditches. No curb and gutter stormwater management will be constructed. For impervious surfaces constructed in areas with no state or local stormwater programs, these stormwater management techniques will be protective of water quality.

Many commenters raised concerns about leaks from the pipeline impacting groundwater. The pipeline will be transporting dry natural gas which is not soluble in water. Liquids contained in the gas are removed at a natural gas processing plant prior to transport and at liquid separators at compressor stations. Any remaining liquid will be de minimus and is not likely to impact groundwater.

***Recommendation**: The project is not expected to violate water quality standards if the conditions in the 401 Water Quality Certification are fully complied with by the applicant (or its successor). The 401 WQC should be conditioned to require full compliance with the following permits:*

- *Certificate of Plan Approval No. Cumbe-2018-036, issued by DEMLR, Fayetteville Regional Office*
- *NPDES Permit No. NCG010000 issued by DEMLR*

The 401 WQC should also be contingent on the issuance of a sedimentation and erosion control Certificate of Plan Approval issued by DEMLR, Raleigh Regional Office and upon issuance of appropriate state and local stormwater permits. FERC NEPA and 401 WQC application documentation indicates that the applicant has agreed to conduct pre-construction water quality testing for drinking water wells within 150 feet of the pipeline construction corridor and within 500 feet of blasting activities. The 401 WQC should be conditioned to require ACP to conduct pre- and post-construction testing of all wells within 150 feet of the construction corridor and within 500 feet of blasting activities regardless of whether a complaint is received. Should post-construction testing indicate that well water quality or quantity has been impacted by the construction, ACP should be required to provide temporary water supplies, and/or a new water treatment system or well. An independent, qualified groundwater specialist should determine whether an impact has occurred or not.

The 401 WQC should be conditioned to require monthly ride-through inspections with appropriate DWR and DEMLR staff to measure compliance with the respective certifications and permits. The 401 WQC should also require a pre-construction meeting with the construction contractors, ACP staff, and DWR and DEMLR staff to review the conditions and requirements of the respective certifications and permits for clarity and understanding.

(4) Does not result in cumulative impacts, based upon past or reasonably anticipated future impacts, that cause or will cause a violation of downstream water quality standards.

Cumulative impacts are those impacts that would result from the incremental effects of the project added to other past, present and reasonably foreseeable future activities (15A NCAC 01C .0103). This includes secondary impacts or impacts from future activities that occur as a result of the proposed project. The proposed project for the most part will consist of temporary water quality impacts from the installation of the pipeline. These impacts could include sedimentation and temporary disturbance of aquatic and riparian habitat during construction. Permanent impacts will occur in streams and wetlands from access road improvements. The temporary and permanent impacts will be reduced through avoidance and mitigation efforts, erosion and sedimentation control and stormwater best management practices (BMPs), and spill prevention, control, and countermeasure practices. Any projects occurring in similar locations to the proposed project will be subject to local, state, and federal regulations that address stream and wetland impacts, stormwater management, and watershed protection.

Almost 80% of the increased natural gas supply has been committed to natural gas power plants. The remaining supply will be available for commercial, industrial and residential use. However, only three distribution points or M&R stations will be constructed in NC. These M&R stations will be located in Johnston, Cumberland, and Robeson Counties. Secondary development as a result of the pipeline is likely to be focused around these distribution points; therefore, water quality impacts are most likely in proximity to these areas. The applicant conducted a qualitative analysis of the potential secondary and cumulative impacts in these three counties.

In the qualitative analysis, the applicant completed an "indirect (secondary) and cumulative effects screening matrix" where a series of parameters including scope of the project, population growth, available land, water/sewer availability, natural gas availability, market for development, public policy, and notable water resources were evaluated on their ability to contribute to indirect and cumulative effects on water quality. Based on these ratings, areas of potential growth and development were identified. These growth areas were then compared in an action/no-action forecast where the differences in growth and development between building the pipeline and not building the pipeline were determined. Areas that had significant increases in growth and development from building the pipeline were mapped.

As discussed above, any new development projects will be subject to state and federal regulations for impacts to streams and wetlands and erosion and sedimentation control. However, stormwater management regulations are variable by location. Existing state and local stormwater programs were overlain on the areas of potential growth identified in action/no-action analysis to predict the net impact to water quality resulting from secondary development.

The action/no-action analysis demonstrated that growth could significantly increase in Johnston and Cumberland Counties if the pipeline is built. These areas have existing infrastructure for water/sewer and transportation, are predicted to have population growth, and have a number of shovel-ready development sites. Johnston and Cumberland Counties are almost entirely covered by state and local stormwater programs and Johnston County is subject to the Neuse River Nutrient Sensitive Waters Management Strategy. Any potential water quality impacts due to growth in the area would be mitigated through these programs.

Most of Robeson County does not have state or local stormwater programs. Those that are present are associated with High Quality Waters or Water Supply Watersheds and are limited in area. However, the action/no-action analysis demonstrated that Robeson County is not expected to have a significant increase in growth and development as a result of the pipeline. According to ACP's analysis, lacking infrastructure, population decline, and separation from metropolitan areas has stunted growth in this area. Only one shovel-ready industrial site is available in Robeson County, and it is located in the protected Water Supply Watershed and would be subject to a local stormwater program. Water quality impacts from secondary growth in this area would be minimal.

***Recommendation**: The project is not expected to result in cumulative impacts that violate water quality standards, if the conditions in the 401 WQC are fully implemented by the applicant (or its successor). The qualitative cumulative impacts analysis should be forwarded to the NC Department of Commerce for informational purposes.*

(5) Provides for protection of downstream water quality standards through the use of on-site stormwater control measures.

Post-construction stormwater is another potential water quality concern. The vast majority of the proposed pipeline project will not result in new impervious surfaces. However, some new impervious surfaces are proposed as part of the project. The impervious surfaces include multiple improved access roads, eleven valve stations, a compressor station, three metering

and regulating (M&R) stations, and multiple contractor yards. The access roads are existing unpaved roads that will be improved to allow construction and maintenance equipment to safely pass. Improvements will include minor widening and/or surface water crossing upgrades (e.g., minor pipe/culvert extensions). The valve sites are needed to segment the pipeline for safety, operation, and maintenance purposes. The compressor station will be located in Northampton County, and the M&R stations will be located in Johnston, Cumberland, and Robeson Counties. The applicant has indicated that stormwater will be managed by using existing drainage ditches and swales for access roads. No curb and gutter stormwater conveyances are proposed for the compressor or M&R stations, and stormwater will be managed through existing drainage ditches and swales.

Stormwater management for these impervious surfaces will be regulated through state programs in Phase II communities or by local programs where applicable. Valve sites and access roads in a small portion of Nash County and access roads, valve sites, and a contractor yard in Cumberland County will be regulated through the state-implemented Phase II Stormwater Program. ACP will have to meet the requirements of SWG040000 – General Permit To Construct A Linear Utility Line and Associated Incidental Built-Upon Area (SWG04) or an individual state stormwater permit. SWG04 and individual state stormwater permits require compliance with the conditions of the respective permits and with the provisions of 15A NCAC 02H .1000, Session Law 2006-246, and Session Law 2008-211 which ensure the protection of downstream water quality standards through on-site stormwater control measures. Any impervious surfaces built in areas covered by local stormwater programs will have to meet the requirements of the local stormwater program. The applicant also proposes to build impervious surfaces in areas where no state or local programs are applicable. Based on the descriptions of stormwater best management practices proposed by the applicant, stormwater is not expected to violate downstream water quality standards in these areas.

Recommendation: *Session Law 2017-10 prohibits DWR from requiring on-site stormwater management through a 401 WQC. As discussed above, the 401 WQC should be conditioned to require compliance with all applicable state and local stormwater permits for construction of a linear utility line and associated incidental built-upon area.*

(6) Provides for replacement of existing uses through mitigation.

Both federal and state requirements allow for the purchase of in lieu fee credits to offset unavoidable impacts to streams and wetlands. DWR requires mitigation [15A NCAC 02H .0506(h)] at a 1:1 ratio for permanent perennial stream impacts above 300 linear feet and a 1:1 ratio for permanent wetland impacts above one acre. Perennial stream and wetland impacts for this project will not exceed the respective mitigation thresholds, therefore, no stream or wetland mitigation is required by DWR. Mitigation is required, however, by the U.S. Army Corps of Engineers for the wetland conversion impacts. Riparian buffer mitigation is required for the uses identified in the Table of Uses of the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(6) and 15A NCAC 02B .0259(6), respectively] as "ALLOWABLE WITH MITIGATION." "ALLOWABLE WITH MITIGATION" uses are defined in 15A NCAC 02B .0233(7)(c) and 15A NCAC 02B .0259(7)(c),

respectively. Buffer mitigation is discussed below in the buffer authorization certificates section.

***Recommendation**: No mitigation is required for stream or wetland impacts as a result of the proposed project. The 401 WQC should be conditioned to include language requiring mitigation should permanent impact changes occur that exceed mitigation thresholds.*

Neuse and Tar-Pamlico Nutrient Sensitive Waters Management Strategy

The Neuse River Basin Nutrient Sensitive Waters Management Strategy and the Tar-Pamlico River Basin Nutrient Sensitive Waters Management Strategy have the exact same requirements [15A NCAC 02B .0233 and 15A NCAC 02B .0259, respectively]. Furthermore, the mitigation requirements for impacts to protected buffers are exactly the same for the Neuse and Tar-Pamlico River Basins [15A NCAC 02B .0242 and 15A NCAC 02B .0260 respectively] and both make reference to the buffer mitigation rules [15A NCAC 02B .0295]. For the purposes of this report, the buffer authorization certificates recommendations will be combined in one discussion.

15A NCAC 02B .0233 and 15A NCAC 02B .0259

(5) DIFFUSE FLOW REQUIREMENT. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.

As discussed above in Section 5 of the 15A NCAC 02H .0506 discussion, the vast majority of the proposed project will not result in new impervious surfaces that will create concentrated stormwater flow. However, there will be improved temporary and permanent access roads, and five valve sites constructed and maintained in the Neuse and Tar-Pamlico River Basins as part of the project. The access roads are existing unpaved roads that will be improved to allow construction and maintenance equipment to safely pass. Upgrades will include minor widening and/or surface water crossing upgrades (e.g., minor pipe/culvert extensions). The valve sites will consist of gravel pads around above-ground valves with gravel driveways.

Stormwater from these areas will be managed by sheetflow or by using existing roadside ditches and swales. Sheetflow from the access roads meets the diffuse flow requirements associated with the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(5) and 15A NCAC 02B .0259(5), respectively]. ACP has committed to managing the existing roadside ditches and swales to minimize sediment, nutrients, and other pollution prior to entering surface waters. The Table of Uses for the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(6) and 15A NCAC 02B .0259(6), respectively] identifies use of existing drainage ditches, roadside ditches, and stormwater outfalls provided they are managed to minimize the sediment, nutrients, and other pollution that convey to waterbodies as "EXEMPT" uses. "EXEMPT" uses are defined in 15A NCAC 02B .0233(7)(a) and 15A NCAC 02B .0259(7)(a), respectively.

The applicant proposes to locate the Smithfield M&R station in Johnston County which is subject to the Neuse River Buffer Rules. This station is also subject to state stormwater

permitting requirements as part of the Phase II stormwater rules. Stormwater management and diffuse flow requirements will addressed through the Phase II process.

***Recommendation**: The buffer authorization certificates should include conditions requiring that diffuse flow conditions be maintained for all stormwater from impervious surfaces flowing to or within the protected buffers in accordance with the diffuse flow requirements stated above or other applicable buffer clarification memos.*

(6) TABLE OF USES.

Non-electric utility lines:

- **Impacts other than perpendicular crossings in Zone 2 – Allowable**
- **Impacts other than perpendicular crossings in Zone 1 – Allowable with Mitigation**

Non-electric utility lines:

- **Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width - Allowable with Mitigation**
- **Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer – Allowable with Mitigation**

The proposed project is categorized as a non-electric utility line. The proposed project includes perpendicular and non-perpendicular crossings of streams and other surface waters subject to this rule. Due to the width of the maintenance corridor, 50 feet, all buffer impacts are "ALLOWABLE WITH MITIGATION" uses. "ALLOWABLE WITH MITIGATION" uses are defined in 15A NCAC 02B .0233(7)(c) and 15A NCAC 02B .0259(7)(c), respectively.

***Recommendation**: None. The proposed project is "ALLOWABLE WITH MITIGATION" under the Table of Uses.*

(8) DETERMINATION OF "NO PRACTICAL ALTERNATIVES." Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Division or to the delegated authority. The applicant shall certify that the criteria identified in Sub-Item (8)(a) of this Rule are met. The Division or the delegated local authority shall grant an Authorization Certificate upon a "no practical alternatives" determination. The procedure for making an Authorization Certificate shall be as follows:

(a) For any request for an Authorization Certificate, the Division or the delegated local authority shall review the entire project and make a finding of fact as to whether the following requirements have been met in support of a "no practical alternatives" determination:

(i) The basic project purpose cannot be practically accomplished in a manner that would better minimize the disturbance, preserve aquatic life and habitat, and protect water quality.

(ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(iii) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

The project proposes to construct a pipeline to transport natural gas from West Virginia and Pennsylvania through Virginia and North Carolina. The North Carolina portion of the proposed route will be constructed through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties. The proposed project will permanently impact 521,430 square feet and 594,070 square feet of protected riparian buffers in the Neuse River Basin and the Tar-Pamlico River Basin, respectively. As part of the FERC NEPA analysis, ACP investigated several alternatives to meet the purpose and need of the project including no build, alternative energy, energy conservation, and system alternatives. Of these alternatives, the build alternative best met the purpose and need of the project.

Next ACP, conducted an extensive alternatives analysis on potential route locations including collocation of the ACP with existing pipelines as well as Eastern and Western route alternatives. Ultimately, ACP chose the Eastern route as the best option based on an evaluation of a variety of criteria such as project length and human and natural resources. ACP continued to refine the Eastern alternative balancing a variety of human and natural environmental resources such as public lands, roads, conservation easements, forested lands, streams, wetlands, protected riparian buffers, known historical and cultural resources, and homes and businesses. Development of the proposed pipeline route included the analysis of seventeen major route alternatives and 37 minor adjustments in the North Carolina portion of the project in an effort to avoid and minimize impacts to these resources. This analysis included pre- and post-application communication with DWR and NCWRC on avoidance and minimization opportunities. ACP has continued to refine the avoidance and minimization practices in response to additional information requests from DWR and through environmental commitments.

The applicant has demonstrated that the basic project purpose cannot be practically accomplished in a manner that would better minimize the disturbance, preserve aquatic life and habitat, and protect water quality. The applicant has demonstrated that the use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality. The applicant has proposed a number of best management practices in an effort to minimize disturbance, preserve aquatic life and habitat, and protect water quality including but not limited to the following:

- *Use of temporary work bridges, matting and pads to reduce the risk of soil compaction*
- *Trench backfilling using native material to prevent soil contamination and to accelerate revegetation*
- *Pump-out activities in the work area will be routed through an energy dissipation/sediment filtration device prior to discharging to waterbodies*
- *Coating for concrete-coated pipe will be conducted at least 100 feet from surface waters and springs*
- *Use of horizontal directional drilling for all major river crossings*
- *Implementation of a Spill Prevention, Control, and Countermeasure plan and a Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency plan*
- *Use of a project-specific invasive plant species management plan*

- *Limiting operation of construction equipment in wetlands to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*
- *Stump removal, grading, and excavation will be limited to the area immediately over the trench line to maintain native seed and rootstock*
- *Voluntarily implementing the requirements of the Construction Stormwater General Permit No. NCG010000*

***Recommendation**: The applicant has sufficiently demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impacts to protected buffers. The buffer authorization certificates should be conditioned to incorporate the best management practices proposed by the applicant intended to minimize disturbance, preserve aquatic life and habitat, and protect water quality. Furthermore, the buffer authorization certificates should require demarcation of protected buffer with flagging or signs prior to the initiation of construction and limiting operation of construction equipment in buffers to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*

(10) Mitigation. Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use.

(a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to Item (8) of this Rule.

(b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0242 [.260].

15A NCAC 02B .0242 and .0260 have been repealed and replaced with 15A NCAC 02B .0295.

As discussed above, the applicant has demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impacts to protected buffers. Due to the fact that the maintenance corridor for the proposed pipeline will have a width of greater than 10 feet, all of the buffer impacts are considered "ALLOWABLE WITH MITIGATION" uses and subject to the buffer mitigation requirements [15A NCAC 02B .0295]. However, impacts to wetlands within the buffers are not subject to the buffer mitigation requirements and are regulated under 15A NCAC 02H .0506(h) as discussed above in section (6) of the 401 WQC application review process. The buffer mitigation totals reflect the removal of wetland areas within the buffer.

The applicant has proposed to obtain all buffer mitigation credits through the in-lieu fee program with the Division of Mitigation Services (DMS). A letter addressed to the applicant from DMS dated May 4, 2017 and renewed on October 6, 2017, states that DMS is willing to accept payment for the buffer mitigation credits for the proposed project. DMS will administer the mitigation credits in accordance with the In-Lieu Fee program instrument dated July 28, 2010 and 15A NCAC 02B .0295.

***Recommendation**: The buffer authorization certificates should include conditions requiring buffer mitigation in accordance with the table below:*

	Compensatory Mitigation Amount Required	River & Sub-basin Number	
Buffers	301,168 (square feet)	Tar-Pamlico	03020102
	318,868 (square feet)	Tar-Pamlico	03020101
	245,612 (square feet)	Neuse	03020203
	486,344 (square feet)	Neuse	03020201

Environmental Justice

One of the most common topics of the commenters was environmental justice. As discussed above in the General Comments Section, many comments received expressed concerns about environmental justice issues associated with pipeline's construction and operation. FERC's Final Environmental Impact Statement determined, "as a result of the project, no disproportionately high and adverse impacts on environmental justice populations as a result of air quality impacts, including impacts associated with the proposed Compressor Station 2, would be expected as a result of ACP and SHP. Also, no disproportionately high and adverse impacts on environmental justice populations as a result of other resources impacts would be expected." Many commenters disagreed with this determination and requested that the 401 WQC be denied based on the potential environmental justice impacts.

The Director evaluates a 401 WQC application based on five criteria including a no practical alternatives analysis, minimization of adverse impacts to surface waters, an analysis of the degradation of groundwaters or surface waters, a cumulative impacts analysis, and replacement of existing uses through mitigation. Environmental justice is not included in the criteria upon which the Director must evaluate the application. Although environmental justice is not an evaluation criteria, the Department has been intimately engaged with the stakeholders of North Carolina through the permitting process.

On March 23, 2017, the Department hosted a stakeholder meeting in Raleigh, NC to provide information and receive feedback on the proposed pipeline project. Eight environmental organizations, four government agencies, and a representative of the Commission of Indian Affairs were in attendance.

On July 18 and 20, 2017, the Department hosted 401 WQC Application Public Hearings. This was to allow the citizens of North Carolina to comment on the certification. Notification of the public hearings was provided in accordance with 15A NCAC 02H .0506(d) and (e). In addition, the Division of Water Resources provided notices of the hearings by mailing flyers in both English and Spanish to community organizations, such as churches, government and non-government organizations, libraries, etc.

On August 9, 2017, the Department participated in an Environmental Justice Forum hosted by the Haliwa-Saponi Indian Tribe and the North Carolina Commission of Indian Affairs. The forum allowed an opportunity for tribal leaders, commission members, state and federal regulators, and other stakeholders to discuss information on the proposed Atlantic Coast Pipeline.

Between August 15 and 17, 2017, the Department hosted three listening sessions along the proposed pipeline route to obtain additional public feedback on the project. In addition to the Department, the NC Department of Commerce, NC Department of Natural and Cultural Resources, and the US Army Corp of Engineers were present.

On October 20 and 21, 2017, the Department participated in the North Carolina Environmental Justice Network's Summit. This allowed for the Department to provide a summary of the permitting status of the project.

In addition to the various stakeholder engagements listed above, the Department has been transparent with citizens who requested to sign up for the email news feed on the project, as well as meetings with the Commission of Indian Affairs. The Department has been thorough in its review of the applications submitted for the proposed Atlantic Coast Pipeline.

VI. Summary

Public comments concerning the two public hearings focused on several major issue areas, including the degradation of water quality, cumulative impacts, environmental justice, sedimentation and erosion control, the permitting process, impacts on wildlife including threatened and endangered species, and ground and surface water supply protection. Due to the number of public comments, many of which expressed concerns on the same issues, each comment is not addressed individually. Only comments that have direct relevance to the certification decision have been addressed in the recommendations (Section V).

As stated above, a thorough review of all public comments received and the project record has been conducted, and additional insight has been obtained through discussions with DWR staff. Based on all of this information, it is my recommendation that the 401 Water Quality Certification and Buffer Authorization Certificates be issued and subject to the conditions included in the recommendations in Section V. It is further recommended that DWR include any additional conditions necessary to ensure that the project will meet state water quality standards.

VII. Appendices (available on Laserfiche)

A. May 8, 2017 401 Water Quality Certification Application

a. Laserfiche Folder Name: *401 Application*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/fol/547515/Row1.aspx

B. Notice of Public Hearings –June 16-18, 2017

a. Laserfiche Filename: *Listserve Public Notice 06_16_2017*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/547528/Page1.aspx

C. Correction to Notice of Public Hearings – June 19-22, 2017

a. Laserfiche Filename: *Listserve Public Notice Correction 06_19_2017*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/547588/Page1.aspx

D. July 18, 2017 Non-speaker sign-in sheets

a. Laserfiche Filename: *ACP_July18_FayettevilleHearing_Non-SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/552613/Page1.aspx

E. July 18, 2017 Speaker list

a. Laserfiche Filename: *ACP_July18_Fayetteville Hearing_SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/552611/Page1.aspx

F. July 20, 2017 Non-speaker sign-in sheets

a. Laserfiche Filename: *ACP_July20_RockyMtHearing_Non-SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/553245/Page1.aspx

G. July 20, 2017 Speaker list

a. Laserfiche Filename: *ACP_July20_RockyMt Hearing_SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/553247/Page1.aspx

H. July 18, 2017 Public Hearing transcript, including oral comments

a. Laserfiche Filename: *ACP_July18_Fayetteville Hearing_Transcripts*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/557323/Page1.aspx

I. July 20, 2017 Public Hearing transcript, including oral comments

a. Laserfiche Filename: *ACP_July20_RockyMt Hearing_Transcripts*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/557322/Page1.aspx

J. Written comments received during the comment period, including at the public hearings

a. Laserfiche Folder Name: *Public Notice Comments*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/fol/548242/Row1.aspx