

DATE:OCTOBER 4, 2019

TIME: 2:43 p.m.

INTERVIEWER: KEVIN GREENE AND TOM BEERS  
EAGLE INTEL SERVICES

CONTRACTOR: NORTH CAROLINA GENERAL ASSEMBLY AND SUBCOMMITTEE  
ON THE ACP

PARTIES PRESENT:KEVIN GREENE  
TOM BEERS  
BILL LANE, DEQ  
BRIAN WRENN, DIVISION OF WATER RESOURCES  
DREW HARGROVE, DEQ

1 KEVIN GREENE: Today's date is October 4, 2019. My name is Kevin Green, our  
2 company, Eagle Intel Services, has been contracted by the North Carolina General Assembly  
3 Subcommittee for the ACP, to gather facts and report those facts back to the Subcommittee. We  
4 are here today to interview you and we are going to record this interview. And I would like to  
5 have each person present to state your name, and to acknowledge, and your position and to  
6 acknowledge that you understand its being recording. And I will start with Tom.

7 TOM BEERS: My name is Tom Beers. I'm an investigator for Eagle Intel Services and I  
8 understand this is being recorded today.

9 BILL LANE: I'm Bill Lane with DEQ and I understand that this is being record.

10 BRIAN WRENN: Brian Wrenn with the Division of Water Resources and I understand  
11 this is being record.

12 DREW HARGROVE: Drew Hargrove with DEQ. I understand it is being recorded.

13 KEVIN GREENE: Thank you gentlemen, I believe that Mr. Lane would like to add  
14 something.

15 BILL LANE: Yes, just a couple of things. By agreement of the parties, this interview  
16 will last no longer than an hour and we are beginning at 2:43 so we will be over no later than  
17 3:43. Also, again by agreement of the parties, the questions to be asked will be related to Mr.  
18 Wrenn's official duties related to the 401 water quality certification for the Atlantic Coast  
19 Pipeline. Not any other projects that he has worked on or anything in his personal life.

20 KEVIN GREENE: Thank you. Alright, we will start by first, you have already stated  
21 your name, just give us a brief history of your employment with DEQ.

22 BRIAN WRENN: I began working with the Division of Water Resources in 1997 in the  
23 Wilmington Regional Office. I was an animal waste facility inspector. I did some work with

1 spray irrigation, land application, compliance work. I have worked on a detailed EPA doing  
2 some rule making for KFO rules confined, or concentrated animal feeding operations. I have  
3 also worked with the 401 unit doing transportation permitting. I did that for about eight (8)  
4 years. Four (4) of those I was the Supervisor of the unit. I have done some NPDES permitting  
5 with Virginia DEQ and

6 KEVIN GREENE: What is that?

7 BRIAN WRENN: Virginia D, oh NPDES? National Pollutant Discharge Elimination  
8 System for dischargers, points dischargers. And then for the last three (3) years I have been with  
9 the water sciences sections in the Echo Systems Branch, and I'm the Supervisor of that Branch.

10 KEVIN GREENE: OK. Thank you. During primarily 2017 and into 2018, I believe that  
11 you were the Hearing Officer and can you give us a little bit of background as to how that came  
12 to be? How you were chosen for that position and your duties as such?

13 BRIAN WRENN: Karen Higgins, who was the Supervisor of the 401 unit at the time,  
14 asked me if I would be the Hearing Officer for this particular project. I got involved with it,  
15 probably late spring – I think of 2017, I guess it was. The - I think the hearings had already been  
16 scheduled at that time and so I came in with and started trying to get up to speed on that in  
17 preparation for the hearings.

18 KEVIN GREENE: What are the duties as a Hearing Officer?

19 BRIAN WRENN: So, as I understand it, my duties were to preside over the Public  
20 Meetings that we had. We had two of those. One in Rocky Mount and one in Fayetteville. Is  
21 that right? Yeah, Fayetteville. And I was to accept comment during the period, uh, during the  
22 Public Meeting. Call people up. We had people who had provided a summary of the project and  
23 the permitting process. I would take the comments, any written comments that people had. I

1 would take those as well. Once the hearings were over, we collected all comments. I went  
2 through those comments and we began looking at the comments and the Application that ACP  
3 had provided plus any additional information letters that had been put out and submissions in  
4 regards to those information letters and then developed a Hearing Officer's Report with  
5 recommendation for what should happen as far as whether the 401 Certification should be issued  
6 and any conditions that need to be included in that to address the public comments or issues that  
7 had not been covered already.

8 KEVIN GREENE: OK. And how closely do you work with the individuals making the  
9 decisions on the permit? Whether it was approved or disapproved?

10 BRIAN WRENN: We are in pretty good communication because I rely on the  
11 documentation that they are getting from the Applicant and any additional information that is  
12 supplied. I may have some technical questions, although I have a good knowledge of the 401  
13 Certification process. There are some nuances that maybe I don't understand completely so I  
14 was working with them from that standpoint. As, in regards to the Hearing Officer's Report,  
15 they helped me with some of the background information with that, regarding the sequence of  
16 events, the number of additional information letters and things like that. But the Hearing  
17 Officer's Report was largely my work.

18 KEVIN GREENE: OK. And who were you working with during this time?

19 BRIAN WRENN: Karen Higgins and Jennifer Burdette were the two main people that I  
20 worked with.

21 KEVIN GREENE: OK. And what were their responsibilities or roles?

22 BRIAN WRENN: So Karen is the Supervisor of the 401 Unit, so she was very involved  
23 with it. Jennifer Burdette was the, what I would describe as the Project Manager. She was more

1 the technical expert on the Application itself, the additional information letters. What was needed  
2 to have a complete Application. That type of thing.

3 KEVIN GREENE: Had you ever served in a role of a Hearing Officer prior to that?

4 BRIAN WRENN: I think I've worked on three other – I've been a Hearing Officer for  
5 three other particular projects.

6 KEVIN GREENE: OK. That was prior to the ACP?

7 BRIAN WRENN: Prior to.

8 KEVIN GREENE: OK. And were those projects of the same magnitude? I don't know,  
9 how would you rate the ACP Project compared to others you had worked on?

10 BRIAN WRENN: It depends on what criteria you want to use. We had 9600 public  
11 comments, so it was very high profile from that standpoint. The Project, itself is probably not  
12 outside the realm of any other project that we go through with the Public Hearing, but it just  
13 happened to have a lot more publicity with it.

14 KEVIN GREENE: OK. And what causes a Public Hearing to occur?

15 BRIAN WRENN: It is usually requested by parties - interested parties – who may have  
16 some concerns about the project. If it were to be per, I guess, depending on what you are talking  
17 about, in this particular case, if it were going to be a Certification issue, they may have concerns  
18 about the impacts of water quality or other things, so they would request a Public Hearing there.  
19 In this particular case, we understood that this was going to be a high profile case. It really did  
20 not fall under an individual permit classification. But we chose to submit through that to make  
21 sure that we were transparent with the process for the public.

22 KEVIN GREENE: OK. And when you say those people that have a voice, who are we  
23 talking about? What entities?

1 BRIAN WRENN: It could be anybody. I've worked with some projects where  
2 interested parties, third parties that may be part of a NGO, or some sort of environment.

3 KEVIN GREENE: Well specifically with the ACP? We will just go with.

4 BRIAN WRENN: They were too many to name.

5 KEVIN GREENE: OK.

6 BRIAN WRENN: Yeah, I can throw some out, but it would do a disservice to all the  
7 others. I mean, like I said, there were 9600 comments.

8 KEVIN GREENE: Right. More than just individual land owners? Do we go beyond  
9 that?

10 BRIAN WRENN: Individual land owners, there were organizations, there were SELC  
11 was involved, some other.

12 KEVIN GREENE: SELC

13 BRIAN WRENN: Southern Environmental Law Center.

14 KEVIN GREENE: OK. Alright, any other large ones you can think of? Organizations?

15 BRIAN WRENN: Blue Ridge Environmental Defense League, I think was involved.  
16 There was repress - a lot of the repress - a lot of the groups had cross representation, so there  
17 were different kind of letters from, that came from multiple groups. Like I say, it's hard to  
18 remember all of them.

19 KEVIN GREENE: What were the primary objections?

20 BRIAN WRENN: It's in the Hearing Officer's Report. We tried to summarize that  
21 pretty well. A lot of them had things to do with things that were outside of the permitting  
22 process, such as moving away from fossil fuels. Some of them were related to economic, well  
23 like the economic stimulation that was being forecasted with this was inaccurate. There were

1 some that felt like the Pipelines were dangerous for folks living in what they called the “blast  
2 zone”. There were folks who were concerned about water quality issues. It was a wide range,  
3 environmental justice was a big one, to.

4 KEVIN GREENE: OK. You mentioned those. I’ve got some notes here that were on  
5 the server, or on the DEQ web site and under the staff files. And these – I’m just going to hand  
6 you those and see if you recognize those as being your notes?

7 BRIAN WRENN: Looks to be the notes that I took, I guess.

8 KEVIN GREENE: OK. And let’s start with, I guess we will just start with the first page  
9 here where it says “Public comment, email decision by September 18 unless required more info”.  
10 What would that be in reference to?

11 BRIAN WRENN: The public comment email box is - we set up a special email account  
12 for people to submit their public comments to, electronically. I assume that I was a trigger for  
13 me to go back and make sure that I was going through all of the comments that we had received  
14 electronically.

15 KEVIN GREENE: 9600 is that was what you said, 9600?

16 BRIAN WRENN: Roughly.

17 KEVIN GREENE: Wow.

18 BRIAN WRENN: “Decision by September 18” I think that was based off of the end of  
19 the comment period. I think the comment period ended roughly August 18. So 30 days - we  
20 have 30 days after that to get a permit out, unless we get more input - you know - we have  
21 additional information that we needed. It is not considered a complete Application until we have  
22 all the information we need. So if we ask for additional information based off questions we have  
23 in the Application, then it starts the clock over.

1 KEVIN GREENE: OK. This one doesn't have a date, but you mentioned Environmental  
2 Justice. I am assuming that is what "EJ" stands for?

3 BRIAN WRENN: That's correct.

4 KEVIN GREENE: And, if you could just read your notes there? And what did those  
5 notes say, for the record?

6 BRIAN WRENN: Title is EJ, first note, following Department Policy for EJ. Second  
7 note, looking at water quality impacts to EJ communities. Sub-note – not necessarily Pipeline  
8 impacts.

9 KEVIN GREENE: What did you mean by those notes or comments? What are you  
10 talking about – further explanation of those, please?

11 BRIAN WRENN: There were lots of comments that we had received from commenters  
12 about Environmental Justice issues because this was impacting a lot of low socially economic  
13 communities. Communities were they may have minorities in a higher percentage of minority  
14 populations. The - I can't remember exactly what this is in regards to, but the first one, as far as  
15 following Department Policy for EJ – We have a Title 6 Program that we followed in regards to  
16 evaluating projects and permitting with respect to Environment Justice issues.

17 KEVIN GREENE: Can you summarize that program?

18 BRIAN WRENN: I don't think I could do it justice. I mean, it's on our web site. It's  
19 just a process where when we go through - as an Agency - we go through looking at  
20 Environmental Justice issues that may arise through a permitting process. It is a problematic  
21 decision, it is not on a case by case basis.

22 KEVIN GREENE: OK. Is it required for the Permit itself?

23 BRIAN WRENN: For this particular project, no.



1 KEVIN GREENE: OK.

2 BRIAN WRENN: And, as far as that, they were looking at water quality impacts to EJ  
3 communities and not necessarily Pipeline impacts. Typically when you do an EJ analysis, you  
4 look at a wider scope than maybe you would for the long linear nature of this, so it may have to  
5 look outside of that to.

6 KEVIN GREENE: How so?

7 BRIAN WRENN: There may be - and I am getting out of my expertise – there may be  
8 EJ communities that are adjacent to this that extend outside the project boundaries. So they  
9 would have to go outside those boundaries to look at the impacts to those communities.

10 KEVIN GREENE: OK. And if I can get you to look at the - these notes. I will let you  
11 kind of summarize. I believe that date appears to be – what's that, September?

12 BRIAN WRENN: September 1, 2017.

13 KEVIN GREENE: And if you just want to kind of review those, and just

14 BRIAN WRENN: OK. Would you like me to read them aloud? Is that what?

15 KEVIN GREENE: If you would like, yeah. If you don't mind, that would be great.

16 BRIAN WRENN: Heading, September 1, 2017 – EJ issues for ACP. First note – EJ is  
17 procedural informational Court decision, DC Circuit. Next note – Is applicable being reasoned  
18 in decision as it evaluates - or eval – EJ.

19 BILL LANE: Can I just. Do you need him to read this whole page?

20 KEVIN GREENE: No, you don't have to. Just go ahead and familiarize yourself with  
21 it. And you made reference to a Court decision DC Circuit. Do you recall what that was  
22 concerning?

1 BRIAN WRENN: I do not recall. That was I remember Jay Osborne was talking about  
2 some case law regarding EJ issues.

3 KEVIN GREENE: OK. Did that have an impact on what you were doing?

4 BRIAN WRENN: No the process of a water quality certification, does not involve  
5 Environmental Justice issues.

6 KEVIN GREENE: OK, Alright. And in your question here. "Are we going to consider  
7 EJ?" There is a question mark. Who was that being addressed to? Or was that being addressed  
8 to you? I guess, unfortunately, I don't know who was attending this, but if you have any recall  
9 of who was attending, that would be wonderful?

10 BRIAN WRENN: That was more of a note to myself in the sense that in reaction to  
11 some of the conversation. We have some coordination meetings to kind of provide a status  
12 update of where we were in our analyses. When we're – I think some of the Title 6 and  
13 Environmental Justice subjects were being discussed, that was more of a question of myself, to  
14 ask the group if that was something that we were going to try to consider in this, because I felt  
15 like it was outside the scope of the evaluation.

16 KEVIN GREENE: OK. And when you say "group", who are you referring to?

17 BRIAN WRENN: As I mentioned Jay Osbourne was providing some case history on  
18 that.

19 KEVIN GREENE: And what is his position?

20 BRIAN WRENN: He is in the General Counsel.

21 KEVIN GREENE: OK.

1 BRIAN WRENN: The DEQ's General Counsel. I don't recall everybody who was there.  
2 And then Jay and this reference to Jay and Linda, I assume they were not there. But that would  
3 be Jay Zimmerman and Linda Culpepper.

4 KEVIN GREENE: OK. And their positions at that time?

5 BRIAN WRENN: I think Jay was still the Director at that time and Linda was the  
6 Interim, or the Deputy Director of Division Water Resources.

7 KEVIN GREENE: And what reference are they made in that note? I'm sorry.

8 BRIAN WRENN: As far as what does the note say? Or why did I reference them?

9 KEVIN GREENE: Both.

10 BRIAN WRENN: I just made the note to remind myself to speak to them about the EJ  
11 issue, if – to confirm that that was not something I was going to evaluate the project on. So.

12 KEVIN GREENE: OK. And this particular meeting was I think this day was it  
13 September?

14 BRIAN WRENN: That's correct.

15 KEVIN GREENE: Were those meetings held on a regular basis?

16 BRIAN WRENN: Yes, I don't remember the frequency.

17 KEVIN GREENE: OK. And who would normally attend those meetings.

18 BRIAN WRENN: It would vary, but typically Shelia Holman was there. Either Jay or  
19 Linda was typically at one of those meetings. Karen and/or I would attend not for EJ, I think  
20 Sara Rice at the time was the EJ coordinator.

21 KEVIN GREENE: OK. And what is the EJ coordinator role?

22 BRIAN WRENN: Basically the programmatic manager for the Title 6 Program.

1 KEVIN GREENE: OK. I think I have seen other references where you were  
2 communicating with her regarding that.

3 BRIAN WRENN: Mhm.

4 KEVIN GREENE: In fact, I think it was a part of the HO Report that you asked for input  
5 on that. Do you recall that?

6 BRIAN WRENN: I do.

7 KEVIN GREENE: OK. Was that – Is that something that was always – not always – but  
8 during the process until the end of the – the final written product - did you ever have clear  
9 understanding of what needed to be done regarding Environmental Justice and how it was to be  
10 included?

11 BRIAN WRENN: In my Hearing Officer's Report? Is that what you are referring to?

12 KEVIN GREENE: Yes, sir.

13 BRIAN WRENN: I think that shortly after this meeting, I was very clear that it was not  
14 something that we needed to consider for our water quality certification evaluation. That were  
15 just – there was a lot of comments that we got from the public and other interested parties and we  
16 wanted to make sure that we addressed those. These coordination meetings were a broader than  
17 just the water quality certification. They included – now that I think about it – there was some  
18 folks from air quality, because they were going an air quality permit and they were sometimes  
19 some of the DEMLER folks were calling in because they had to get an erosion control plan  
20 approved and everything like that. So there was a – it was a broader coordination of how this  
21 was happening outside of just the water quality certification.

1 KEVIN GREENE: OK. Thank you for your explanation of that. I would like to  
2 address the ICI cumulative impact portion and can you kind of give us a definition or  
3 understanding of what that entails?

4 BRIAN WRENN: Sure, indirect and cumulative impacts analysis it goes by several  
5 different monikers, but it's generally, when you have a project – and this is more specific to  
6 publicly funded projects or projects that may require a Federal Permit. If you have a project  
7 there may be impacts associate with that project that are not directly related to the project itself.  
8 So what you have to do is consider – I will use an example of building a road – if you build a  
9 road and you provide access to areas that may not have had access in the past, it may spur  
10 development. And it development is spurred, there may be additional water quality impacts from  
11 additional storm water or septic tanks, if it's out in a rural area. Or there may be more  
12 impervious surfaces and detrimental effects there. Maybe this particular basin has a lot of  
13 impacts already. So you have to look at the cumulative side of it. How much is going on there.  
14 Not just this particular project. And you have to determine to the best of your ability what those  
15 secondary and cumulative impacts might be.

16 KEVIN GREENE: Sounds like predicting the future.

17 BRIAN WRENN: It very much is. It's a rough science.

18 KEVIN GREENE: It sounds like it. Was that an issue? Was that a driving part of the  
19 permitting process? To determine that?

20 BRIAN WRENN: It's a very big part of the process. From the stand point of it is one of  
21 the major points in which we evaluate a - evaluate an Application. The - For this particular  
22 project, because it is a Pipeline that may provide a – before then, an uncapped source of gas,  
23 natural gas – there may be more development through industrial or commercial uses that might

1 impact, through secondary impacts, water quality. For the most part, this project it's not like you  
2 can just walk up to it and throw a tap into the Pipeline and start pulling gas off of it. So it was  
3 limited to three main areas. Those metering stations and so we focused our – we focused our  
4 attention on those three main areas. Those three metering stations to try to get a determination  
5 on what the secondary and cumulative impacts would be there.

6 KEVIN GREENE: OK. Was that the – I mean you phrased it quite well – The  
7 secondary and cumulative impacts and all that. Was that something that was – when you first  
8 got involved – was that an issue at the forefront of the project when the Application was filed?  
9 And did it continue to gravitate? Were you getting answers from the Applicant?

10 BRIAN WRENN: We were getting answers, but not answers that were completely  
11 answering our questions that we had asked. The information requests we had made to them, we  
12 weren't getting what we needed from the Applicant to feel comfortable about their analysis.

13 KEVIN GREENE: OK. So, I think in this case there were four – Do you recall if there  
14 were four (4) information request?

15 BRIAN WRENN: Four or Five, something like that.

16 KEVIN GREENE: OK. Would that have been something the first set or two of these  
17 information requests?

18 BRIAN WRENN: The very first information request that went out, I am not sure what  
19 was in that one, because that one, I was just coming on board with that project. I know that  
20 multiple information requests after that dealt with information that we needed with the secondary  
21 and cumulative impacts analysis. But there were also other items that we were still asking  
22 questions about that we needed information for.

1 KEVIN GREENE: Right. OK. I think the last request really focused on that – the  
2 cumulative impact. Were you in communication with the Applicants or is that primarily Higgins  
3 and Burdette?

4 BRIAN WRENN: I was involved with some of that as well.

5 KEVIN GREENE: OK. Who did you talk to or meet with?

6 BRIAN WRENN: Our conversations were over the phone. I don't remember the names  
7 that we talked to.

8 KEVIN GREENE: OK. But these were the representatives for the partnership.

9 BRIAN WRENN: As I understand it, they were the consultants and there may have been  
10 some ACP employees. But mainly we were dealing with the consultants who had done the  
11 analysis.

12 KEVIN GREENE: OK. Were they – Did they ever become, I would say, frustrated  
13 about how long it was taking?

14 BRIAN WRENN: I think that goes along with water quality certification process.  
15 People are always want their permit tomorrow.

16 KEVIN GREENE: Right.

17 BRIAN WRENN: So I don't remember outward frustrations.

18 KEVIN GREENE: OK. No expressed concerns to why it's taking so long?

19 BRIAN WRENN: Not that I remember off the top of my head. Nothing that stands out  
20 to me.

21 KEVIN GREENE: OK. Do you want to start with these?

1 TOM BEERS: Yeah, going back to these information requests. I'm going to give you a  
2 copy of these. This looks like the Final Hearing Officer's Report that was submitted on January  
3 22, 2018. And the second – Does that look like that is what that is?

4 BRIAN WRENN: Mhm.

5 TOM BEERS: OK. On the second page of that, there is a – it looks like a schedule that I  
6 guess you put in? Did you prepare that schedule for the dates here?

7 BRIAN WRENN: I did not prepare this schedule. This was prepared by Jennifer and  
8 Karen, as I said earlier. They did the background part of this to assist me with summarizing the  
9 project and the chronological history of some of the.

10 TOM BEERS: OK. So they prepared a lot. The bulk of that schedule is their work.

11 BRIAN WRENN: Mhm.

12 TOM BEERS: OK. And then, I also have – these are, this is a document that's in the  
13 notes of Karen Higgins, from the DEQ web site public document. It's kind of a – the bottom left  
14 is dated 11/20/17.

15 BRIAN WRENN: Mhm.

16 TOM BEERS: And it looks like somewhat of a schedule based on some information  
17 requests and it looks like a projected schedule of when the permitting process would occur.

18 BRIAN WRENN: Mhm.

19 TOM BEERS: So, going back to the second page of your Hearing Officer's Report.  
20 Let's just compare some of these dates. I just want to see if you remember anything that may  
21 have occurred on November 15? Last request of information was received by you, by the ACP.  
22 I'm just going to point to a document here. November 15<sup>th</sup>

23 BRIAN WRENN: Mhm.



1 TOM BEERS: And it looks like these are all number to associate with additional  
2 information. It looks like - Are you familiar with how this is done?

3 BRIAN WRENN: Mhm.

4 TOM BEERS: So November 15<sup>th</sup> it looks like the last piece of information was received  
5 from that request on the 15<sup>th</sup>.

6 BRIAN WRENN: Yeah, it looks like it.

7 TOM BEERS: And this indicates that this is prepared on the 20<sup>th</sup>, so 5 days later.

8 BRIAN WRENN: Mhm.

9 TOM BEERS: So based on that, do you recall having received all the information  
10 necessary to get the permit? Prepare your Hearing Officer's Report? Or was there more  
11 information that you were discussing at this time, to send out another additional request?

12 BRIAN WRENN: I am not sure that I understand the significance of the 20<sup>th</sup> verses the  
13 15<sup>th</sup>.

14 TOM BEERS: OK. So this looks to me, and you tell me if I am wrong, but this –  
15 October 26, request for additional information number 3.

16 BRIAN WRENN: Right.

17 TOM BEERS: Then November 4<sup>th</sup> and November 15<sup>th</sup> it looks like all of the information  
18 has been submitted at this time for that request on the 15<sup>th</sup>. So it looks like at this point in time,  
19 everything has been received. And then this – five (5) days later – is a projected schedule of  
20 when the permit would be issued. Do you recall around that time, November 20<sup>th</sup> of having  
21 discussions - Do we have what we need? – we are going to get this permit the process going on?

22 BRIAN WRENN: We always had those discussions.

23 TOM BEERS: OK

1           BRIAN WRENN: That was a pretty continual – do we have everything we need? Is  
2   there anything else we need to have to make sure that we are making an informed decision? The  
3   way that a lot of this worked – We were trying to provide multiple avenues for the Permittee to  
4   provide information to us. Sometimes it was email, sometimes it was a hard copy and sometimes  
5   we would take the emails and say - and log them in and say, alright, once we get the hard copy,  
6   you know, we will start looking in – Because there were somethings that they could give us  
7   quickly and other things that they needed to work on.

8           TOM BEERS: Mhm.

9           BRIAN WRENN: So, we – although I don't remember the details, of why this was what  
10   the schedule was set up on, based on this piece. I just remember how we came out with this one.

11          TOM BEERS: I will ask a more, I guess, straightforward question. Was there at any  
12   point, including this date November 20<sup>th</sup> when you, Higgins, Burdette said we have what we  
13   need, we are going to get this permit going?

14          BRIAN WRENN: No.

15          TOM BEERS: And then someone for some reason came in and did another request for  
16   information that you weren't prepared for?

17          BRIAN WRENN: No.

18          TOM BEERS: OK. Alright.

19          BRIAN WRENN: So, I do remember that during this time we were working hard to get  
20   the information from the Applicant. We had spelled out very clearly the things that we wanted  
21   and we had provided some examples for them on how to do the – and I think that this was related  
22   to the secondary and cumulative impacts analysis – we had even provided some guidance that  
23   DOT uses to develop their analyses because they are both long, linear projects with loads of

1 potential development and I would say at this point, we were pretty frustrated with what we were  
2 getting from the Applicants, despite multiple phone calls and written requests kind of walking  
3 them through the process.

4 TOM BEERS: OK. Alright, so, let me take this back. Whose decision is it to make a  
5 written request for information - additional information? Who would have decided to do that?

6 BRIAN WRENN: It was multiple parties as far as - usually Jennifer, she was the Project  
7 Manager, like I said, she was the technical expert here. She had the ability to request any  
8 additional information that she needed at times. There were things – there was - I'm probably  
9 more familiar with secondary and cumulative impacts analysis through my prior work with  
10 Department of Transportation projects than maybe Karen or Jennifer were at that time.

11 TOM BEERS: Mhm.

12 BRIAN WRENN: So I provided probably more advice on what we needed to have a  
13 good idea of what those impacts were going to be than most Hearing Officers would.

14 TOM BEERS: OK. Going back to this. I think that - On November 28<sup>th</sup>, I think the last  
15 request for information went out, November 28<sup>th</sup>.

16 BRIAN WRENN: November 28<sup>th</sup>, OK.

17 TOM BEERS: And that was – I've looked at this and it looked like more of a cumulative  
18 impact request for information. Do you recall that to be the case in that last one?

19 BRIAN WRENN: To the best of my knowledge.

20 TOM BEERS: Yeah, to the best of your knowledge. Was that your decision? Jennifer  
21 and Higgins decision? Or did someone else above them make this request to – or was it done  
22 from you discussing these facts?

23 BRIAN WRENN: We didn't discuss the details of the Application.

1           SOMEONE: Acho

2           TOM BEERS: Bless you.

3           BRIAN WRENN: Bless you. As far as what we have, what we need, what we don't

4 have with anyone other than ourselves. It was Jennifer, Karen and myself. Evaluating the

5 Application and looking at the data we have in determining whether we had an adequate amount

6 of information to make a decision. We say that we knew that this would be happening. And so

7 we tried to be as diligent and as thorough as possible in this. So.

8           TOM BEERS: Right, so that was your decision. It didn't come down from some other

9 office and say hey, do this. Against your – you know?

10          BRIAN WRENN: At no point have I had any directives from anyone other than Jennifer,

11 Karen and myself.

12          TOM BEERS: OK. Thanks. Let's just move along to.

13          KEVIN GREENE: Do you recall a time that you were notified or told that any

14 correspondence with the Applicant – that the Secretary's Office needed to be debriefed prior to

15 any correspondence with them.

16          BRIAN WRENN: No, I don't recall anything.

17          TOM BEERS: I am going to move toward the, I guess toward the end of the timeframe

18 of the ACP Permit process. This would have been early January, 2018.

19          BRIAN WRENN: OK.

20          TOM BEERS: We have some emails that we got from the web site. It looks like - I will

21 let you look at some of these, but it this

22          KEVIN GREENE: Is that 16 or uh 19644?

23          TOM BEERS: Yeah, 19644.

1 BRIAN WRENN: Are these separate documents or?

2 TOM BEERS: They are, but they all have multiple emails on them, because that is the  
3 way – they are kind of email strings, so some are duplicates, some are – This is more of - I don't  
4 know if they are all - who they are all directed to. It's all part of the same. It's all part of that  
5 same exchange. Tell me if I'm wrong, but it looks like it's in the process of - Higgins and  
6 Burdette involved with reviewing your Hearing Officer Report and you are getting ready to send  
7 it to – Well where would you normally send that – Do you know?

8 BRIAN WRENN: The - because of the high profile of this case, I sent it to Karen and  
9 Jennifer to review my report, make sure that my references, my technical references and things  
10 that I put in their were accurate. They have a much better grasp of the Statutes. We sent it to  
11 Jeff, who I think in that reference is Jeff Poupart. That's Karen's boss so he could see the report.  
12 The Secretary's Office had requested to get a brief on that prior to us sending it to Linda.

13 TOM BEERS: So do you recall the conversation with – Did you have a conversation  
14 with Bridget Munger asking to get a copy of that report? Do you recall a conversation or an  
15 email from her?

16 BRIAN WRENN: To get a copy of what report?

17 TOM BEERS: The Hearing Officer's Report.

18 BRIAN WRENN: Whether she had asked me?

19 TOM BEERS: It looks like - well let me show you. Is this the one?

20 KEVIN GREENE: Did you recall who requested it from the?

21 BRIAN WRENN: Oh, here we go.

22 KEVIN GREENE: Secretary's Office to get a copy?

23 TOM BEERS: This is the

1           BRIAN WRENN: I think that it may have gone through Bridget. She was very involved  
2 with that, the whole hearing process. Cause it's a fairly high profile case. She was the PIO  
3 Officer at the time.

4           TOM BEERS: So that was not unusual for her to ask for a copy of that? And did she ask  
5 – did she take it before it went to Linda Culpepper? Do you remember that conversation?

6           BRIAN WRENN: I don't know that I remember that particular conversation, that she  
7 was gonna. I don't remember. You are talking about two years ago.

8           TOM BEERS: Right.

9           BRIAN WRENN: So I can't remember the specifics of that conversation.

10          TOM BEERS: What is the usual process for review and approving the HO Report and  
11 submitting or approving the Permit based on that? Where does the chain of review usually fall?

12          BRIAN WRENN: The typical process goes through whatever group is responsible for  
13 either the Permit or the Certification. They would take a look at it. Make sure everything is  
14 accurate. Often the Supervisor, depending on their level of involvement with the project would  
15 want to see that particular report as well. Just for knowledge purposes. And then, I have had  
16 other situations where the Director has looked at the Hearing Officer's Report prior to an official  
17 sign off on it. But I have not had a situation where the Director - or the Secretary is requesting it.  
18 But I've never worked on a project that is this high profile either, so.

19          TOM BEERS: So, just because it hadn't happened before, doesn't mean that it was  
20 inappropriate for - in this case – because it was a high profile case?

21          BRIAN WRENN: I am sure that there was a lot of interest for them to see it because of  
22 the profile of it.

1 TOM BEERS: Do you know when – from conversations between yourself and Higgins  
2 and Burdette – during that time frame, before you were told to send it to the Secretary's Office,  
3 when you thought that the permit would probably be issued? If it was sent up on the normal  
4 channels?

5 BRIAN WRENN: I don't – We were working as hard as we could to get it out the door.  
6 You saw from the prior emails – we were hoping for September.

7 TOM BEERS: Right.

8 BRIAN WRENN: So, but because the – because of the lack of information that we were  
9 getting from the Applicant, we weren't able to do that. But if you are – I, maybe you can ask me  
10 a more direct question?

11 TOM BEERS: How long does it usually take, after you submit the Hearing Officer's  
12 Report, to get the Permit?

13 BRIAN WRENN: Usually once you submit the Hearing Officer's Report to the Division  
14 Director for signature, the decision is made fairly quickly after. Within a matter of days.  
15 Sometimes if the Director is familiar with the project and it is pretty simple, it can be issued right  
16 there. Sometimes it takes – they want to take some time and look at it and feel comfortable with  
17 the recommendations.

18 TOM BEERS: OK. And this case, it went to another level of review to the Secretary's  
19 Office, so.

20 BRIAN WRENN: They - My understanding of that review, was just to be informed on  
21 what we were going to do. But I don't know of.

22 TOM BEERS: Do you remember having a meeting with Secretary Regan about this –  
23 the Hearing Officer's Report?

1 BRIAN WRENN: I do.

2 TOM BEERS: What happened in that meeting?

3 BRIAN WRENN: We just walked through the Application process. We walked through  
4 the things that we evaluated during that process. Provided our – went through the  
5 recommendations that I had made in the Hearing Officer's Report to make sure they understand  
6 – or understood why we were requiring – or recommending – those and there may be some  
7 technical pieces that the Secretary maybe didn't understand quite as well, so we wanted to make  
8 sure that he understood that as well – those pieces.

9 TOM BEERS: Do you think he understood everything after your meeting?

10 BRIAN WRENN: I don't – he didn't have any questions.

11 TOM BEERS: OK.

12 BRIAN WRENN: So I can only assume that he understood.

13 KEVIN GREENE: Did he ask when it was going to be issued?

14 BRIAN WRENN: I don't recall.

15 TOM BEERS: Do you know when the Permit was actually issued?

16 BRIAN WRENN: I know the Hearing Officer's Report was signed on like the 22<sup>nd</sup> of  
17 January. I can't remember the exact date of the actual 401 – when it was signed.

18 TOM BEERS: So that was the 26<sup>th</sup>. So again, like you said, within days of the – so.

19 BRIAN WRENN: So it was a reasonable amount of time.

20 TOM BEERS: That's right. Once it's signed. Do you know why there would have been  
21 a delay from your meeting with the Secretary, if he understood it, to not signing it until the 22<sup>nd</sup>?  
22 That's ten (10) days after. You meet with him the 12<sup>th</sup>?

23 BILL LANE: Which delay are you referring to?



1 TOM BEERS: You meet with the Secretary on January 12.

2 BRIAN WRENN: I don't remember the day that we met.

3 TOM BEERS: Well there is a note that says that.

4 KEVIN GREENE: I believe it was Higgins' notes.

5 TOM BEERS: Yeah there's a

6 KEVIN GREENE: That made reference to that meeting.

7 BRIAN WRENN: OK.

8 TOM BEERS: Alright, so. If in fact it was the 12<sup>th</sup>, you signed the Hearing Officer's

9 Report on the 22<sup>nd</sup>. Do you recall?

10 BRIAN WRENN: I don't know why there was a delay from there. We had a draft. I

11 know that Karen was working on the 401 Certification. I don't recall if the 401 Certification was

12 completed at that time. Typically you have a Hearing Officer Report and you have a

13 Certification and then you have a denial letter and you take all three of those pieces. I don't

14 know if any of those – all of those were completed at that time. I don't have any information on

15 why it took that long.

16 KEVIN GREENE: Could you – Do you remember seeing a denial letter prior to ACP?

17 BRIAN WRENN: From a public hearing or public comment and public meeting

18 standpoint?

19 KEVIN GREENE: I assume, a draft?

20 BRIAN WRENN: Oh, had I seen the actual draft for this particular one? I don't – I

21 think I saw a draft of it, but I never really looked at it. It is - It is procedural. We have been

22 beat up in the past for if we just bring in a Permit to be signed at that table, people have said

23 that's pre-decisional, so we started bring both so we can say that we considered both options.

1 KEVIN GREENE: But you guys are the experts and have the technical background to  
2 make that decision.

3 BRIAN WRENN: I'm sorry?

4 TOM BEERS: So it is basically a formality so that you – you are not making the  
5 decision for the Director?

6 BRIAN WRENN: I'm making a recommendation but the Director can take my  
7 recommendation and throw it in the trash and do whatever they want to do. So, we didn't want –  
8 we wanted to be transparent, again, so we brought both options.

9 TOM BEERS: OK

10 KEVIN GREENE: OK

11 TOM BEERS: Do you recall any sense of urgency prior to signing this Hearing Officer's  
12 Report? Like, hey, we need to have this done by the next day? Or a rush to get this signed after  
13 it was – that delay?

14 BRIAN WRENN: I – a sense of urgency from?

15 TOM BEERS: Like a call, late in December or January saying hey we need to get this  
16 report out by tomorrow? And you need to sign it and get it out. Do you remember that?

17 BRIAN WRENN: I don't remember anybody calling me specifically to say that. I know  
18 that Karen and Jennifer and I were interested in getting this out the door before the Holidays.

19 TOM BEERS: Ok, that was back in

20 BRIAN WRENN: We didn't want to have to come back to it.

21 TOM BEERS: But you did.

22 BRIAN WRENN: But I don't recall a specific call from anybody other than between  
23 Karen, Jennifer and I about schedule at any time.

1 TOM BEERS: OK.

2 KEVIN GREENE: I think the email was referred back to some Friday evenings, some  
3 Sunday evenings, exchanges regarding this and reviews of it. On the 19<sup>th</sup> and 21<sup>st</sup> before it went  
4 to – it's a Wrenn email Higgins back with the Final HO Report. That was on a Sunday evening  
5 at 8:58.

6 BRIAN WRENN: What day?

7 KEVIN GREENE: That was the 21<sup>st</sup> of January. So this was right before the 22<sup>nd</sup>

8 BRIAN WRENN: Oh, OK.

9 KEVIN GREENE: Yeah, so you sent it to her that night, Sunday evening. Is that  
10 common to work on Sundays?

11 BRIAN WRENN: No, it's not common. But I was, like I said, we had been working on  
12 this for several months. It had been a long process. We were ready to be – have the details – we  
13 had the Application, we were ready to have the document wrapped up and ready to go.

14 TOM BEERS: Here is the email, it was on the 19<sup>th</sup> of – It was to Brian – from Karen to  
15 you - on the 19<sup>th</sup> – This is Friday night, 9:26. It looks like you are working on it, – Late Friday.

16 KEVIN GREENE: Did anyone give you a deadline to have it completed by that  
17 Monday?

18 BRIAN WRENN: No. We were just trying to get it taken care of as quickly as possible.

19 TOM BEERS: So, going back to that January 29, at 9 – when she, she's – You are  
20 obviously working on getting it out.

21 BRIAN WRENN: January 29?

22 KEVIN GREENE: 19<sup>th</sup>

23 TOM BEERS: 19<sup>th</sup> excuse me.

1 BRIAN WRENN: 19<sup>th</sup> OK.

2 TOM BEERS: So it looks like you are working to get it out maybe for Monday or  
3 something, I don't know. Why Friday night at 9:26, I'm not sure, but – Have you – This is a  
4 document that was submitted by the Governor's Office to the Public back in December. It is an  
5 email from Ken Utey from the Governor's Office where he outlines kind of a schedule of what is  
6 going to happen with the ACP.

7 BRIAN WRENN: OK.

8 TOM BEERS: You notice on 1/19 DEQ Staff begins process of making the 401. That  
9 email went out the day before, on the 18<sup>th</sup>. Do you recall any conversations with anyone about,  
10 We need to get this out, per the request of the Governor's Office?

11 BRIAN WRENN: Again, nobody – We didn't have any directives from anybody as far  
12 as schedule. We were trying to get it out from our standpoint of - that it had been a long drawn  
13 out process. I – We had always set goals.

14 TOM BEERS: So you are not familiar with this?

15 BRIAN WRENN: I am not familiar with that, no. What was the date of the Hearing  
16 Officer's Report? The last received information request?

17 TOM BEERS: The last received?

18 BRIAN WRENN: Mhm. The Hearing Officer's Report.

19 TOM BEERS: That would have been the 18<sup>th</sup>. Let me pull it out.

20 BRIAN WRENN: So we were working close to having a 30 day.

21 TOM BEERS: Right you were working on that.

22 BRIAN WRENN: Yeah, we had – We had not. Well we weren't in a situation where we  
23 had a thirty day problem, there. I was just – just wanted to make sure.

1 TOM BEERS: Yeah, I'm just wondering why it looks like there is a ref – you know for a  
2 Friday at 9:20 to get this out. It looks like there was some kind of a  
3 KEVIN GREENE: Deadline  
4 TOM BEERS: Some kind of a deadline imposed on someone at your office to get this  
5 out.  
6 BRIAN WRENN: I don't recall anybody providing a deadline to us regarding this. This  
7 was, again, something we had been working on. We were – We had a – We had been working to  
8 get the additional information for quite a while. We finally got it. We wanted to get it out the  
9 door. We were working towards that effort.  
10 TOM BEERS: OK.  
11 KEVIN GREENE: Got anything?  
12 TOM BEERS: No  
13 KEVIN GREENE: I'll just – Did anyone ever discuss with you the Mitigation Fund  
14 outside of the DEQ? The Mitigation Fund, the 57.8 million dollar fund. Were you aware that  
15 there were negotiations or a separate Mitigation Fund going on outside of DEQ?  
16 BRIAN WRENN: I have no information on that.  
17 KEVIN GREENE: Never been  
18 BRIAN WRENN: I saw it on the News whenever the day it broke.  
19 KEVIN GREENE: Right. It was not something that you were focused on as to how this  
20 can help with the impact, the cumulative impact or anything like that.  
21 BRIAN WRENN: No I have no information about the fund. Regarding, like I said, other  
22 than when – the day it came out. I have no information there.

1 TOM BEERS: Let's – If you had known about a fund that would provide mitigation  
2 funds for cumulative impact, would that be something that you would consider in your report?

3 BILL LANE: That's speculative.

4 TOM BEERS: Well it is speculative, but

5 BILL LANE: Can't answer.

6 TOM BEERS: If you had access to – That's information that would have been helpful in  
7 your report in any way? I mean it is speculative.

8 BRIAN WRENN: That would be, that would be new territory. We would have to sit  
9 down and talk about how that would be incorporated into the process. I don't – I can't recall any  
10 situation before where I dealt with that.

11 TOM BEERS: Well, clearly you took - the Applicant didn't mention it to you.

12 BRIAN WRENN: Right.

13 TOM BEERS: Right. So it was never brought up to your attention?

14 BRIAN WRENN: Correct.

15 TOM BEERS: OK.

16 KEVIN GREENE: OK. Well, we are at our time limits. So at 3:41. First, I want to  
17 thank you for your time. We are going to discontinue the interview and I am going to cut the  
18 recorders off.

19 BRIAN WRENN: OK.