

Talking Points
State Water Control Board Meetings for the Mountain Valley and Atlantic Coast Pipelines
December 6-7 and 11-12

Introduction: Good morning/afternoon. My name is _____, and I [signed a petition] [submitted a written comment] [spoke at the public hearing] in August 2017.

[IF YOU DISCUSSED SPECIFIC WATER BODIES OR IMPACTS TO WATER ON YOUR LAND IN YOUR PUBLIC COMMENTS GIVEN IN JULY/AUGUST]

- Briefly restate your comments about the impacts the project would have on that particular body of water (you only have 3 minutes!)
- **DEQ Response:** In its Summary, DEQ dismissed my comments, simply saying that despite their best efforts “there always remains the possibility of certain overlooked features,” and that there is still a process for pre-land disturbing inspection. In addition, DEQ says that it “intends to conduct limited site visits to the properties” if necessary.
- **This is unacceptable.** DEQ is asking this Board to certify a project without providing information on site-specific impacts. The agency is asking this Board to certify this project before inspecting [name of property or water body].

Reliance on Nationwide Permit 12 for in-stream impacts

- The Draft Certification says that “The Department’s 401 Water Quality Certification for the Corps’ Nationwide Permit 12 issued April 7, 2017 and this additional Certification ...together constitute the Commonwealth of Virginia’s 401 Certification for the Project.”
- I asked DEQ *not* to rely on the U.S. Army Corps’ of Engineers’ Nationwide Permit 12 because it is inherently speculative and general, and it was written as a blanket permit to cover projects with *minimal* impacts. The [Mountain Valley/Atlantic Coast] Pipeline is one of the largest pipelines ever to be proposed in Virginia and is anticipated to have significant impacts to Virginia’s waters. The blanket permit is not sufficient.
- **DEQ Response:** In its summary, DEQ responded that (1) “the NWP 12 as currently certified and conditioned in Virginia is protective of the Commonwealth’s water quality standards for the physical crossings of wetlands and streams,” and (2) that “the Corps will determine if the Project qualifies for a nationwide or regional permit or whether an individual permit must be drafted.”
- **This is unacceptable.** This response still fails to acknowledge that NWP 12 is not designed to cover large infrastructure like the [Mountain Valley/Atlantic Coast] Pipeline. It also relies on a decision that the Corps will make at some future date. How can the Board certify this pipeline without project-specific analysis of impacts to state waters and without even knowing if the Corps will require an individual permit?

Erosion & Sediment Control and Stormwater Management

- In my comments, I asked DEQ not to separate the Board’s review of Erosion & Sediment Control plans and Stormwater Management plans from this water quality certification because so many of the impacts to water quality will come from sediment runoff.
- **DEQ Response:** DEQ responded that it “acknowledges that its review and approval of project-specific stormwater management and erosion and sediment control plans is a

critical component of assuring protection of water quality. But this is separate and apart from the scope of this proposed 401 Certification.”

- **This is unacceptable.** DEQ has ignored my concern. DEQ is asking the Board to certify that there is reasonable assurance the pipeline will not violate state water quality standards without providing the very information about water quality that DEQ says is a critical component.

Individual Analysis of Stream & Wetland Crossings

- I asked DEQ to analyze each individual stream and wetland crossing to gather important data at specific sites, so that impacts to water quality could be better understood before the Board makes a decision.
- **DEQ Response:** DEQ replied that compliance with another set of general conditions, called the Annual Standards and Specifications, makes individual stream and wetland review unnecessary.
- **This is unacceptable.** The Annual Standards and Specifications were written by [MVP/ACP] as part of a program that DEQ refers to as “self-regulating.” It is simply another program setting out general conditions for utility line construction. Here, the Board has the responsibility under the Clean Water Act to ensure state water quality standards will not be violated. It is not reasonable to make this certification without looking at data specific to the [Mountain Valley/Atlantic Coast] Pipeline.

Karst Geology and Dye Tracing Studies

- The Draft Certification proposed as a condition that karst dye tracing evaluation be completed before any land-disturbing activities occur (but after this Board makes a decision on this 401 certification). In my comments, I requested that the Draft Certification be withdrawn until this evaluation was completed.
- **DEQ Response:** DEQ responded that it is okay to certify these projects first, saying “it is appropriate for a 401 certification to contain a condition requiring future monitoring and studies to determine potential impacts. Additional conditions or requirements can be imposed once those results are obtained.”
- **Problem:** Again, this puts the Board in position of making a decision *without* information that is highly relevant to water quality impacts and whether this project is likely to violate state water quality standards.
- **DEQ Response:** Even worse, DEQ has modified the Draft Certification and no longer requires a karst dye tracing evaluation as a condition. In the current draft, all DEQ is requiring is that the project developer submit a Supplemental Karst Evaluation Plan to be reviewed by DEQ.
- **This is unacceptable.** Once again, DEQ is asking this Board to certify a project without providing studies or data relevant to the anticipated impacts of digging and blasting a trench to lay a 42-inch steel pipe across thousands of waterbodies in the Commonwealth!

THANK YOU

I sincerely appreciate the time each Board member is committing to the protection of our water. Please do not rush this decision. Because DEQ and the applicant have not provided the Board with all information and analysis relevant to water quality impacts, I ask that you deny this certification. Thank you.