

SENATE OF VIRGINIA

JENNIFER L. McCLELLAN
9TH SENATORIAL DISTRICT
ALL OF CHARLES CITY COUNTY; PART OF
HANOVER AND HENRICO COUNTIES; AND PART
OF THE CITY OF RICHMOND
P.O. Box 396
RICHMOND, VIRGINIA 23218



COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
JUDICIARY
FINANCE AND APPROPRIATIONS
PRIVILEGES AND ELECTIONS
TRANSPORTATION

May 19, 2021

William T. Walker, Chief
Norfolk District Regulatory Branch
U.S. Army Corps of Engineers
803 Front Street
Norfolk, VA 23510
william.t.walker@usace.army.mil

Michael Hatten, Chief
Huntington District Regulatory Branch
U.S. Army Corps of Engineers
502 Eighth Street
Huntington, WV 25701-2070
michael.e.hatten@usace.army.mil

**Re: Mountain Valley Pipeline Section 401 Water Quality Certification
Public Notice Nos. LRH-2015-00592-GBR, LRP-2015-798, NAO-2015-0898**

Dear Chief Walker and Chief Hatten:

As I am sure you are aware, on March 25, 2021, the Virginia Department of Environmental Quality requested one full year to review Mountain Valley Pipeline, LLC's application for a Section 401 water quality certification (March 4, 2021–March 3, 2022). I write in support of this request.

As explained in the agency's March 25 letter, Virginia's review of the application must adhere to state regulatory requirements and consequently cannot be completed until December 2021 *at the earliest*. These procedural requirements were adopted with good reason: a project of this magnitude involves a tremendous amount of investigation and analysis in order to determine, per federal requirements, whether discharges from the project "will comply" with state water quality standards. *See* 40 C.F.R. § 121.7.

I believe that the process set forth in Virginia regulations is the best avenue to ensure protection of the Commonwealth's waters. I share my constituents' concerns with any review period shorter than one year, both due to the complexity of the issues present for a project of this scale, and especially in light of MVP, LLC's record of serious problems since project construction began in 2018. Over the course of just six months in 2018, the Virginia DEQ cited the company for more than 300 permit violations. I urge the Corps to grant Virginia DEQ's request and establish one year as the "reasonable period of time" for state review under Section 401 of the Clean Water Act.

Ultimately, Virginia regulators have the authority and the obligation to protect state waters. However, that important task cannot reasonably be accomplished without ample time to ensure all relevant information is collected, technical analyses are completed, and the public is given adequate time to review and comment. I believe that a thoughtful and thorough review process for the Mountain Valley Pipeline—one that identifies critical issues and resolves them before Clean Water Act approvals are issued—will benefit MVP, LLC, the agencies, and, most importantly, Virginia’s water quality.

Thank you in advance for your consideration of our requests. I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer P. McClellan". The signature is fluid and cursive, with the first name being the most prominent.

Senator Jennifer McClellan
Senate of Virginia
9th District
(804) 698-7509 (o)
district09@senate.virginia.gov

cc: Kimberly Bose, Secretary, FERC (Kimberly.Bose@ferc.gov)
David Paylor, Director, Virginia DEQ (David.Paylor@deq.virginia.gov)
Adam Fannin, U.S. Army Corps of Engineers (CELRPMVP@usace.army.mil)