



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES
RICHMOND

CHRIS L. HURST

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BLACKSBURG, VIRGINIA 24062

TWELFTH DISTRICT

October 27, 2021

To: Members of the State Water Control Board

% Steve Hardwick, VWP Coordinator
1111 East Main Street, Suite 1400
Richmond, VA 23219

Re: Mountain Valley Pipeline, LLC's application for a Virginia Water Protection Permit,
Registration No. 20-0416

Dear Members of the State Water Control Board,

On behalf of our constituents and the public interest, we ask you to deny Mountain Valley Pipeline, LLC's (MVP) requests for certification under Section 401 of the Clean Water Act and a Virginia Water Protection Permit. The draft permit you are considering inadequately addresses MVP's history of violations and the cumulative impacts of construction, and it lacks crucial baseline data and a robust analysis of alternatives to more-destructive activities.

We share the "number of substantial concerns" cited by the U.S. EPA related to MVP's application for a similar Clean Water Act Section 404 permit currently under review by the U.S. Army Corps of Engineers.¹ It is our duty as public servants to protect our citizens and the waters of the Commonwealth. Once water quality is degraded, the proverbial genie cannot go back in the bottle. Therefore, we insist that decisions of this magnitude be made with a complete and accurate record, and that the health and welfare of our citizens—and the natural resources upon which they depend—are prioritized above all else.

We have seen with our own eyes the damage to water resources that construction of the MVP has wrought under a certification issued by this Board in December 2017. Mitigation measures in previous permits—and compliance with them—have been wholly insufficient. As a result, the Virginia Department of Environmental Quality (DEQ) has cited MVP for more than 300

¹ "Based on the information available for review, EPA has identified a number of substantial concerns with the project as currently proposed, including whether all feasible avoidance and minimization measures have been undertaken, deficient characterization of the aquatic resources to be impacted, insufficient assessment of secondary and cumulative impacts and potential for significant degradation, and the proposed mitigation." Ltr. from Jeffrey Lapp, Chief, Wetlands Branch, U.S. EPA Region 3, to Michael Hatten, Chief, Regulatory Branch, Huntington Dist., U.S. Army Corp of Eng'rs (May 27, 2021), *available at* [<https://drive.google.com/file/d/1Cp9eAMuoTxV-rAcqzCNxl7nXmoos12Sf/view>].

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violations of water quality standards and permit conditions²—and these are just the violations that a perpetually underfunded and understaffed agency has officially verified. Over the past three-and-a-half years we have heard stories of the communities we represent being harmed by this project, including the loss of livelihoods, polluted creeks and streams, dried wells and ponds, and ruined farms.

The history of the project's 300+ violations must inform the present, yet we believe the draft permit before you fail to appropriately weigh the cumulative impacts of existing environmental stressors, the damage caused by MVP to date, and the future damage the company will cause with continued construction. Specifically, the application and DEQ's draft permit contain no data on impacts from multiple crossings within a watershed.

We also believe that DEQ has failed to evaluate whether the project would comply with Virginia's antidegradation law. Baseline information is needed for every stream in order to consider its present condition, yet this information is not provided in the application or the draft permit. Without this physical, chemical, and biological data, degradation cannot be determined. Therefore, compliance with Virginia law cannot be determined.

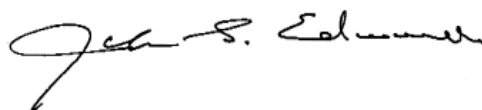
Further, DEQ does not appear to scrutinize MVP's cursory analysis of alternative crossing methods. In its application, the company rejects less-harmful trenchless crossing methods at most water bodies. DEQ seems to accept MVP's conclusions with no independent analysis, accepting the word of a bad actor with a documented history of harming Virginia communities and water resources.

Accordingly, we renew our insistence that you require of the applicant and DEQ a complete and accurate record upon which to base your decision. Essential data is not available to you in this permit application; therefore, you have no assurance that the proposed activities will not violate Virginia's water quality standards. This project comes at a heavy and irreversible cost to the communities and water resources of Southwest Virginia, and we respectfully request that you deny the requested permit.

Sincerely,



Delegate Chris Hurst, 12th District



Senator John Edwards
Senate of Virginia, District 21

² Charlotte Gomer, Office of the Atty Gen., *Attorney General Herring and DEQ File Lawsuit Over Repeated Environmental Violations During Construction of Mountain Valley Pipeline* (Dec. 7, 2018), <https://www.oag.state.va.us/media-center/news-releases/1341-december-7-2018-herring-and-deq-file-suit-over-environmental-violations-during-construction-of-mountain-valley-pipeline>.



Delegate Sam Rasoul, 11th District



Ghazala F. Hashmi, PhD
Senate of Virginia, District 10



Senator Creigh Deeds
Senate of Virginia, District 25



Senator Jennifer Boysko
Senate of Virginia, District 33



Delegate Sally Hudson, 57th District



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Delegate Suhas Subramanyam, 87th District



Dr. Dawn M. Adams, Nurse Practitioner
Delegate, 68th District




Delegate Rodney Willett, 73rd District




Delegate Mark Keam, 35th District



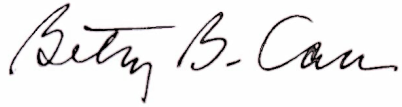
Delegate Jay Jones, 89th District



Delegate Ibraheem Samirah, 86th District



Delegate Wendy Gooditis, 10th District

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Delegate Betsy Carr, 69th District

Handwritten signature of Kathy Tran in black ink.

Delegate Kathy Tran, 42nd District

CC: David K. Paylor, Director, Virginia Department of Environmental Quality
Melanie Davenport, Director, Water Permitting Division