

# Blue Ridge Environmental Defense League

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Date: July 19, 2017

To: Virginia Department of Environmental Quality State Water Control Board  
4949 Cox Rd, Glen Allen, Virginia 23060

Dear Robert Dunn, Lou Ann Jessee-Wallace, Thomas M. Branin, Roberta A. Kellam, G. Nissa Dean, Heather Wood and Robert H. Wayland, III:

On behalf of the Blue Ridge Environmental Defense League and its members and chapters in Virginia, I respectfully submit these comments detailing our opposition to the proposed Mountain Valley Pipeline (MVP) and Atlantic Coast Pipeline (ACP).

The further development of fracked gas pipelines and compressor stations in Virginia would be an environmental and public health disaster of epic proportions. Explosions, fires and accidents may steal the headlines, but the even greater catastrophe would be the silent progression of disease and death caused by the invisible contamination of the air, water and soil. We are calling on the Department of Environmental Quality (DEQ) and the State Water Control Board (SWCB) to do whatever they can to halt this man-made, preventable tragedy.

An acre is 43,560 ft squared, roughly 209' on a side. Virginia rainfall is typically 42"/year. An inch of water falling on an acre of ground is an acre-inch. Its volume is 27,154 gallons. If the area of disturbance of these proposed linear projects is 150' wide then every 290' of run equals one acre, with the potential to receive 570,000 gallons of rainfall per year. This does not reflect runoff from terrain which would cross a pipeline route, nor does it address water quality effects by what is proposed to be the largest French drain ever constructed across the Appalachians and Blue Ridge. The filings to date with the FERC lack any substantive information about slope, soils at the surface or at approximately 12' depth of excavation. The DEQ cannot possibly be able assure the water quality of runoff from this project. There is no public data presented concerning the factors which affect storm water management

(SWM). Any public data that exists would simply prove our point; there is no safe way to construct a 42" fracked gas pipeline.

DEQ's SWM regulations prohibit excavations exceeding 500' and yet it appears the DEQ stands prepared to waive these regulations which affect every other construction firm in the state. The purpose of these regulations is clear, to prohibit areas of impact which can cause catastrophic loss not only to the easement in question but also to neighboring citizens.

Stream crossings are one of the most significant impacts of pipeline construction. Small streams would be diverted during construction of pipelines. For many larger streams and rivers, pipeline crossings are done by excavation and blasting of the stream-bed. In each of these crossings, devastating harm would be done to the waterways.

In the mountainous regions of West Virginia and Virginia, the ACP and MVP's path would traverse many mountain slopes with very steep grades. Specifically, the ACP's path would traverse 22.8 miles of mountain slopes with grades greater than 35% and the first 211.9 miles of the ACP is proposed to travel through 115.6 miles of terrain rated as high incidence with high susceptibility for landslides. An additional 46.7 miles are categorized as moderate incidence with high susceptibility for landslides. A construction practice that lowers mountain ridges by 20 to 25 feet would be used to reach a 125' level plane for easier construction. This construction practice puts entire communities at risk of major erosion, sedimentation and storm water run-off issues which could result in: i) pollution of streams, as well as recharge areas for community water supplies which are especially vulnerable in karst topography, and the drinking water wells and springs of most residents who live in the affected rural communities; and ii) increased flooding in all communities, but particularly those who have previously suffered catastrophic flooding because of heavy rain on their steep mountain slopes and shallow soils.

Over 36 miles of the proposed MVP would traverse highly erodible soils<sup>1</sup> in mountainous terrain with slopes at over 25 % grade<sup>2</sup> in Franklin County. The amount of destruction that would be caused to

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<sup>1</sup> [http://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/virginia/franklinVA2009/Franklin\\_VA.pdf](http://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/virginia/franklinVA2009/Franklin_VA.pdf)

excavate a pathway is substantial, causing severe erosion in vertically steep and inhospitable mountainous terrain. The amount of runoff from seasonal downpours would cause major damage in the mountains below the proposed pipeline path.

Most private water systems and business systems in Franklin County rely on groundwater from wells, springs or rivers for their domestic water supplies; some residents and businesses along the 220 corridor receive water from the Spring Hollow Reservoir,<sup>3</sup> which is also threatened by the proposed MVP.

Construction of the proposed Mountain Valley Pipeline would have severe negative consequences for the domestic and agricultural water supplies of citizens with respect to potential erosion and sedimentation of downstream areas. Franklin County, Virginia's agricultural and tourism-based economy is highly reliant on the availability of abundant, clean water; Franklin County's quality of life is highly reliant on the availability of abundant, clean water. Erosion caused by sediment is a major contributor to pollution of Smith Mountain Lake and other surface waters of Virginia and the United States.

You have the authority to request site-specific E&SC and storm water management plans from EQT as stated in the Erosion and Sediment Control Regulations 9VAC25-840-30-B, "The submission of annual standards and specifications to the department does not eliminate the need where applicable for a project specific Erosion and Sediment Control Plan." This, however, is not sufficient. There is no way to mitigate the damage that would be done.

As part of a larger effort to protect water quality, you are tasked with protecting rivers, wetlands and streams to protect their beneficial uses, striving to protect state waters and prevent and reduce water pollution in Virginia.

The proposed MVP and ACP projects would create serious problems related to erosion and sediment control. There are no adequate measures that could be taken to meet state and federal

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<sup>2</sup> [http://www.franklincountyva.gov/images/planning/comp-plan-maps/slopes\\_map.pdf](http://www.franklincountyva.gov/images/planning/comp-plan-maps/slopes_map.pdf)

<sup>3</sup> [http://www.westernvawater.org/85256A8D0062C8D5/vwFilesByName/WVWAMisc/\\$File/RoanokeCCR2012.pdf](http://www.westernvawater.org/85256A8D0062C8D5/vwFilesByName/WVWAMisc/$File/RoanokeCCR2012.pdf)

requirements with integrity considering how much harm would be done by the devastating and disruptive practices of pipeline construction.

All of our waters are connected; harm done to one body of water affects others, often irreparably. Therefore every proposed water crossing must also take into account the adjacent waters. Furthermore, according to The Clean Water Act: “The agencies emphasize that the rule has defined as “adjacent waters” those waters that currently available science demonstrates possess the requisite connection to downstream waters and function as a system to protect the chemical, physical, or biological integrity of those waters...The Clean Water Act establishes both national and state roles to ensure that state’s specific circumstances are properly considered to complement and reinforce actions taken at the national level.”<sup>4</sup>

For example, Bent Mountain is located at the top of the watershed on the Blue Ridge Plateau, where important headwater streams and wetlands are born. Location at the peak of the watershed means that there is a limited and fragile groundwater supply; groundwater recharge occurs much more slowly. Blasting of rock during construction could alter groundwater flow paths, potentially resulting in dry wells and altered water courses. Contamination at the top of the watershed would have significant and long-lasting impacts to the Bent Mountain water supply due to slower groundwater regeneration. Chemicals applied to the exterior of the pipeline would have significant potential to foul the groundwater supply. These chemicals would be constantly exposed to soil moisture and groundwater, which have the potential to break down the chemicals and leak them into the water supply.

Bottom Creek is the headwaters of the South Fork of the Roanoke River. Bottom Creek is classified as a Tier III Exceptional State Water, the highest designation given by the State. The equivalent regulatory term is “Outstanding National Resource Waters” for EPA. The designation of a waterbody as an Exceptional State Water is a regulatory amendment to the Antidegradation Policy section of Virginia's Water Quality Standards. There are only thirty Exceptional State Waters designated

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<sup>4</sup> [http://www2.epa.gov/sites/production/files/2015-05/documents/finding\\_of\\_no\\_significant\\_impact\\_the\\_clean\\_water\\_rule\\_52715.pdf](http://www2.epa.gov/sites/production/files/2015-05/documents/finding_of_no_significant_impact_the_clean_water_rule_52715.pdf)

in Virginia.<sup>5</sup>

Bottom Creek also forms Bent Mountain Falls, the second highest waterfall in the Commonwealth. This creek, and the adjacent wetlands, would be crossed a minimum of two times by the proposed MVP. Mill Creek, also an important headwater stream of the Roanoke River, flows throughout the Bent Mountain area and would be crossed numerous times by the MVP. Mill Creek has an extensive wetland network due to the flat plateau landscape.

The Spring Hollow Reservoir, which provides drinking water for a large portion of Roanoke County, is located near the proposed route of the MVP. Contamination of the Spring Hollow Reservoir during construction and/or operation of the MVP would create very serious problems for Roanoke and Franklin County's drinking water supply.

The Blackwater River is directly upstream from the Town of Rocky Mount's Water Plant in Franklin County. The Plant takes water from the Blackwater River, and The Town of Rocky Mount Water Department operates a conventional water treatment plant with a total capacity of 2 million gallons per day that purifies the water for residents of the Town of Rocky Mount. The water then passes through thousands of feet of water lines ranging from 2" to 16" in diameter. Five storage tanks hold up to 2.4 million gallons of water for drinking, for industry, for fire flow and for emergency supply. The possibility of damage or permanent harm to this source of clean water for The Town of Rocky Mount is unacceptable and would directly endanger the clean water supply for nearly 5000 inhabitants.

Furthermore, the gas that is proposed to be transported through the MVP is obtained through fracking. There are several mechanisms by which fracking can contaminate drinking water resources.<sup>6</sup> Among them are overland flow to nearby surface water, soil contamination and eventual transport to surface water, and infiltration and contamination of underlying ground water. In a recent study, the EPA examined 151 spills from fracking operations. Of the spills characterized in its study, fluids reached

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<sup>5</sup>[http://www.deq.state.va.us/Programs/Water/WaterQualityInformationTMDLs/WaterQualityStandards/ExceptionalStateWaters\(TierIII\).aspx](http://www.deq.state.va.us/Programs/Water/WaterQualityInformationTMDLs/WaterQualityStandards/ExceptionalStateWaters(TierIII).aspx)

<sup>6</sup> EPA. "Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources." June 1, 2015.

surface water in 9 percent of cases and soil in 64 percent of cases.<sup>7</sup> If a spill does occur, there is a 64% chance that the fluid—laced with additives that have unknown environmental impacts—will contaminate the surrounding soil.

Once a spill has occurred, the contaminants may percolate through the soil and could, ultimately, reach ground water. It may take several years, however, for spilled fluids to infiltrate soil and leach into groundwater. Therefore, it may not be immediately apparent whether a spill has reached the ground water or not. It is imperative that we continue to view groundwater contamination as a serious risk associated with pipelines that is unable to be mitigated.

It is BREDL's assertion that all water is exceptional and must be protected.

Therefore, you *must* deny the 401 certification permits. This would halt the proposed ACP and MVP. There is simply no way possible that these pipeline projects could rightfully attain the many related State and Federal permits required for construction given the sensitive nature of the landscape they propose to traverse. There is a precedent for this action; “On April 7, 2017, the New York State Department of Environmental Conservation (DEC), after a careful and exhaustive study, exercised its right under Section 401 of the federal Clean Water Act to deny certification to the proposed 24-inch diameter, 99-mile [Northern Access Project] pipeline. Without 401 certification, the natural gas pipeline cannot go forward within the state.”<sup>8</sup>

You are a board comprised of citizens appointed by the Governor. Your fellow citizens are depending on you to do the right thing. As we move into an uncertain future that is compromised if not obliterated by the damage that has been done by the development of fossil fuel and the related impacts to our water, soil, air and climate, we must make choices that privilege and value the natural resources we are blessed to still have and that prohibit the pursuit of projects that would cause further damage to an already compromised ecosystem.

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<sup>7</sup> Ibid.

<sup>8</sup> <https://www.nrdc.org/experts/kimberly-ong/gov-cuomo-blocks-northern-access-pipeline>

In Pennsylvania, the Department of Environmental protection did not do their job in regards to the “Mariner East 2 pipeline construction in Chester County where 15 households have been without water for the past couple weeks due to aquifer intrusion by horizontal directional drilling... Sunoco’s operations punctured the aquifer on June 22.”<sup>9</sup> You must not let a similar, preventable tragedy like this happen here in Virginia.

The citizens of the Commonwealth of Virginia are placing their trust in you today. As the process of decision-making moves forward, consider carefully your responsibility to the citizens you serve. Our governor has repeatedly and consistently chosen to listen to the corporations proposing these projects and not the people he serves, even though he was elected to represent the people. The people of Virginia have overwhelmingly spoken in favor of the pursuit of clean, renewable energy that does not compromise the health and safety of their families, land, air and water. You have the power to recommend that all permits you are responsible for approving be denied. Do not hesitate. The only accountable thing to do is to strongly and unequivocally insist upon the denial of any permits necessary to authorize the proposed MVP and ACP.

Sincerely,

Mara E Robbins

A handwritten signature in black ink that reads "Mara E Robbins". The signature is written in a cursive style with a long horizontal flourish at the end.

Floyd County, Virginia

Community Organizer with the Blue Ridge Environmental Defense League

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<sup>9</sup> <https://stateimpact.npr.org/pennsylvania/2017/07/14/sunoco-halts-drilling-in-chester-county-where-pipeline-construction-damaged-drinking-water-wells/>