



## Thomas Jefferson Soil and Water Conservation District

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June 24, 2015

Mr. Evan Feinman  
Virginia Deputy Secretary of Natural Resources  
PO Box 1475  
Richmond, VA 23219

Mr. Russ Baxter  
Virginia Deputy Secretary of Natural Resources for the Chesapeake Bay  
PO Box 1475  
Richmond, VA 23219

Dear Mr. Feinman and Mr. Baxter:

I am writing to you on behalf of the Thomas Jefferson Soil and Water Conservation District (TJSWCD) Board of Directors. As previously noted in the enclosed correspondence to FERC (Dec. 5, 2014), the proposed Atlantic Coast Pipeline (ACP) project presents significant and critical concerns with respect to potential erosion, sedimentation, and stormwater management due to the unique geology, topography, and sensitive landscape in Nelson County. The TJSWCD has not yet received a reply from the Federal Energy Regulatory Commission (FERC) as to how the seven issues and concerns raised in our Dec. 5 letter will be addressed.

The TJSWCD has provided support for Nelson County's Erosion and Sediment Control Ordinance and Stormwater Management Guidelines since their inception. The TJSWCD is aware of the provisions in the Virginia Erosion and Sediment Control Law and Regulations and the Virginia Stormwater Management Law and Regulations, allowing natural gas pipeline and utility companies to submit "annual standards and specifications" in lieu of site specific plans. However, 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"**.

The TJSWCD strongly believes that the ACP project epitomizes the type of project that should be held to this standard for submitting a *"project specific Erosion and Sediment Control Plan"*. It is our understanding that every 400 feet of pipeline will disturb over one acre of land. Our previous letter described Nelson County's unique mountainous terrain with shallow soils and granite bedrock that is prone to landslides. The landslides in turn have, in the past, led to extreme debris flows, extensive flooding, and the loss of human life. Minimizing the chance of this happening again in the areas of land disturbance for pipeline construction will likely entail practices that go beyond those called for in the company's annual standards and specifications. In addition, the establishment of permanent vegetation to re-stabilize disturbed areas on the shallow soils and steep slopes will likely entail alternative methods.

\_\_\_\_\_*"To exercise leadership in promoting natural resource protection"*\_\_\_\_\_

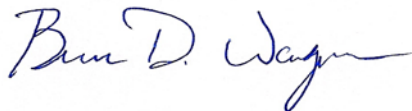
It is our understanding that the Virginia Department of Environmental Quality (DEQ) lacks the resources to adequately implement the Erosion and Sediment Control and Stormwater Management Programs to ensure compliance with all standards on all projects, especially with respect to entities that submit annual standards and specifications. However, the Virginia Stormwater Management Law provides for the assessment of fees to enable adequate program implementation: **§62.1-44.15:31.D: “The Department shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section.”**

In consideration of the points made above, the TJSWCD respectfully requests that:

1. FERC and Dominion Resources will satisfactorily explain, prior to the issuance of permits, how the issues and concerns raised on page 2 of our letter of Dec. 5, 2014 will be addressed (copy enclosed).
2. DEQ will require project-specific Erosion and Sediment Control and Stormwater Management Plans for the ACP project that meet all Virginia standards, and that these plans will be made available to the public.
3. Localities will have the right to review plans, conduct inspections and enforce their local Erosion and Sediment Control Ordinances.
4. DEQ will “assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to (the Virginia Stormwater Management Law)”, to enable them to fully comply with Virginia laws and regulations.
5. Prior to construction, Dominion Resources officials and third-party inspectors will be required to meet with local officials to discuss the implementation of the project-specific Erosion and Sediment Control and Stormwater Management Plans and adaptive management plans.

Thank you for your attention to our requests, and we look forward to your response.

Sincerely,



Brian D. Wagner  
Chair, Thomas Jefferson Soil and Water Conservation District

Cc: Governor Terry McAuliffe  
Secretary Molly Ward, Virginia Secretary of Natural Resources  
Kimberly Bose, Secretary FERC  
Delegates Steven R. Landes, David Toscano, Robert B. Bell, Matthew C. Fariss  
VA Senators Bryce E. Reeves, R. Creigh Deeds  
US Senators Mark Warner, Tim Kaine  
Nelson Board of Supervisors  
Kendall Tyree, VASWCD