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## **DEQ director visits area in pipeline path**

BY GEOFF HAMILL • STAFF WRITER



*Virginia Department of Environmental Quality Director David Paylor looks across the Jackson River Valley near Bolar. Paylor visited the area on Tuesday to see areas in the path of the proposed Atlantic Coast pipeline. (Recorder photos by Geoff Hamill)*

**BATH & HIGHLAND** — The director of the Virginia Department of Environmental Quality visited Bath and Highland counties Tuesday to tour areas in the path of the proposed Atlantic Coast Pipeline.

Dominion Energy and its partners want to begin construction of a 600-mile, 42-inch pipeline across West Virginia, Virginia and North Carolina this winter.

The Jackson River Preservation Association and the Cowpasture River Preservation Association coordinated DEQ director David Paylor's visit.

Army Corps of Engineers environmental scientist Steve Gibson also arrived for the tour.

Both the DEQ and the Army Corps will be responsible for regulating and permitting pipeline construction, if the project is approved by the federal government.



*During the DEQ director's visit, Ryan Hodges speaks to visitors at an overlook above the Jackson River. Hodges said a narrow ridgeline across the valley would be flattened to build the proposed Atlantic Coast pipeline. Government representatives from Bath, Highland and Alleghany counties and representatives of environmental groups attended the tour. The group visited sites in Bolar, Little Valley, and Valley Center.*

The river associations hosted a breakfast at Country Cafe in Hot Springs, during which JRPA president Bill Wilson and CRPA chairman Richard Brooks presented a joint letter to Paylor and Gibson, expressing the groups' concerns with the proposed pipeline.

"We believe you will acknowledge that burying a 42-inch pipe 10 feet into the steep mountain ridges is impossible to do without causing major damage to those mountains and the streams below, especially in the face of major flooding, like the 1985 flood that devastated the Allegheny Highlands," the letter reads in part. "We think you will agree that these mountains, once harmed, can never be adequately repaired or restored."



*Highland County cave and karst expert Rick Lambert speaks to a group about karst features in Valley Center. DEQ director David Paylor is pictured on the right. (Recorder photos by Geoff Hamill)*

Wilson spoke about the river groups' expectations from the DEQ. "We want to let you know how concerned we are about this pipeline," he said. "As the agencies that represent us, we just want you to do your jobs and help us, because very few of us are experts in the fields of hydrology, geology and that kind of thing.

"We've got a few industries scattered around, but our future is in recreation," Wilson added. "We've got the Jackson River, which is said by all to be one of the most beautiful streams, certainly on the East Coast, many say in the world. The Cowpasture River, also one of the most beautiful rivers you've ever seen. Anything that jeopardizes those areas is a danger to us."



*president; and Paylor.*

*The Jackson River Preservation Association and the Cowpasture River Preservation Association hosted a visit by DEQ director David Paylor Tuesday. Pictured looking across Little Valley near Bolar, left to right: Bill Wilson, JRPA president; Richard Brooks, CRPA*

The group traveled to a vantage point overlooking the Jackson River near Bolar, where Ryan Hodgess pointed out wetlands and steep slopes that the pipeline would traverse. Hodgess noted the narrowness of a ridge along the pipeline path that would have to be flattened for pipeline construction.



*Bath County Supervisor Claire Collins discusses the potential negative economic impact of the proposed Atlantic Coast pipeline. Pictured, left to right: Ryan Hodges, Collins and DEQ director David Paylor.*

“I’ve been up there mushrooming and hunting as a kid,” he said. “It’s not a ridge that gives you much room. That’s the thing that worries everybody. You don’t have to go but 10 feet before you fall off the other side. In the winter, it looks cool because it’s all big rocks, that’s all there is.”

Highland County cave and karst expert Rick Lambert noted the danger of erosion. “Under normal circumstances, they move the stuff that they’re removing uphill from the trench. The trench here is on top of the mountain, so they’re going to be pushing it down the slopes. One of our concerns is that the disturbed soil is going to flow downhill into the aquifers.”

Neither Paylor nor Gibson had information about how ACP plans to cross the Jackson River.

“I’ve presented that question a few times and there’s going to be flexibility through the FERC (Federal Energy Regulatory Commission) process, as well as working with the environmental inspectors,” said Gibson. “Depending on the stage of flow and everything within the Jackson River, no one’s committed to exactly how it’s going to be crossed. They want to do it in the least environmentally damaging way possible, as far as getting across the stream channel. It’s still being outlined exactly how it’s going to be done.”

Gibson expressed confidence that a construction contractor would use sound practices to prevent erosion.

“There have been great advancements in controlling and protecting, with different types of fabrics, and a number of ways in which to divert water off of denuded areas,” he said. “Someone in my family works for a sediment erosion control company and they sustain themselves selling those products. The contractor out here has a number of different ways by which to prevent siltation and sedimentation of that river. When they say they’re going to use best-in-class measures to protect it, I have complete confidence that they will take that upon themselves to do so.”

Lambert noted Dominion has a poor record of erosion control compliance with much smaller pipeline projects. “This company was fined over in West Virginia for failure to use best-in-class measures,” he said.

When asked, Gibson said he had not reviewed Dominion’s erosion control compliance record.

Responding to questions at the overlook, Paylor addressed recent reports that the DEQ would not conduct individual assessments of water crossings during the pipeline application process.

“There was a fair amount of confusion about what all of that means,” said Paylor. “We are doing an individual 401 certification and we are looking at every stream crossing, or every stream. The Nationwide 12 Corps permit deals with temporary impacts for the crossing itself. But the longer term impacts, bank stabilization, and all of that is covered by our permit. There is a narrow area of temporary impacts that the Nationwide 12 Corps permit covers, that we evaluated and, to the extent that the Corps determines that each of those crossings is managed sufficiently by their rules, their rules will take care of that.

“But our individual 401 certification will apply to every stream crossing; it will apply to bank stabilization; and the reason that we’re doing an individual 401 certification is because we’re able to cover things like karst geology, like water supply, like slides, and those kinds of things that we wouldn’t be able to cover otherwise.

“So, what you’re reading in the press is that we’re backing off and we’re not covering everything that we can cover. We believe that we are covering everything that we can cover and more than what would be a normal process. It would be legal for us to simply defer to the Corps nationwide permit and walk away and say we’re done. We have chosen not to do that because we are concerned about things like karst, things like landslides, things like water supply, things like dust control, that we are able to manage under our individual certification.

“You hit a raw nerve,” Paylor added. “We are not backing off; we are doing everything that is possible. So, to the extent that the Corps permit process sufficiently covers the wetlands impacts and the temporary impacts of a stream crossing, yes, we’re going to use that tool. But we’re going way beyond that and our rules will cover every stream crossing for those things that we’re responsible for.”

The director said confusion was due in part to new DEQ procedures.

“Something like 25 years ago, we got a new state law called the Virginia Water Protection section, and that became sort of our standard 401 certification,” he said. “That’s what we’ve used for 25 years. When we do a Virginia water protection permit, a 401 certification, we’re usually dealing with a stream crossing or two, so we have always done it with that VWP permit tool. That tool doesn’t work as well for this, so we’ve actually gone back to a tool to give us broader authority.”

Unfamiliar with the new procedures, a DEQ spokesman had provided incorrect information, he explained.

“Our public affairs guy has spent his whole career dealing with VWP permits,” said Paylor. “So, when they asked him about it, he thought about it in terms of the mechanism that we’ve used for 25 years. We’re using a different tool that gives us more expansive authority, and he just didn’t understand at the time he was asked some questions.”

Paylor responded to concerns that DEQ was rushing the review process by scheduling public hearings on the pipeline in early August, even though ACP has not submitted a complete section 401 application to the DEQ.

“I believe it’s correct that (the application) is not final,” he said. “We’ve made some information demands of them (Dominion) a couple weeks ago of what we need to know. I don’t know if we’ve received all of those data yet. If we don’t have all of the data that we need, in the time that we need it, then the timing of those hearings will have to change.”

The group then traveled to Bolar and observed a high volume spring gushing from a limestone cavity. Hydrologist Bill Jones told the group the source of the water is unknown, and described characteristics of the karst terrain. Jones, a former American University professor, explained pipeline engineers cannot know the location of underground streams that pipeline excavation would disturb.

Traveling to Little Valley, the group hiked up a steep slope to purchase views of the pipeline path across Little Mountain and beyond. Jones explained the centerline of Little Valley runs along the top of an anticline, which would make excavation difficult and destructive. The hydrologist recommended the pipeline be routed away from Little Valley due to the unusual karst geology.

At Valley Center, Lambert led the group to surging Devers Spring and explained area residents communally obtain water from the spring during times of drought. The caver noted Dominion has not adequately modified the pipeline route to avoid several karst features in the valley that must be avoided.

Highland County supervisor David Blanchard recommended a route change that would avoid Valley Center and follow Route 600 south toward the Bath County Pumped Storage Station, which is owned by Dominion.

Jones pointed out hollows along a ridgeline to the west of Valley Center, and explained the hollows do not have streams because water sinks into the karst and recharges the underlying aquifer. The scientist described two different types of sinkholes found in the area — those created by cave collapse and those created by surface water flowing into rock cavities. He explained that contamination from the surface can ruin underground aquifers in the same manner it can ruin rivers and streams.

Paylor explained the purpose of his visit. “I wanted to do a couple of things,” he said. “I want the people who live up here to know that we are absolutely concerned about their concerns, and that we’re going to do everything within our power to be protective. Another reason is, I wanted to

get a visual of the things that you're worried about, so that it's not just on paper, but it's three-dimensional to me."

The director said he gained a better understanding of the challenges to pipeline construction. "I have a sense of the scale, in terms of slopes and that sort of thing," he said. "I have some new questions to ask of my staff. I'm not the engineer, but this has helped me to understand some of the questions that you have. That enables me to be more strategic and more focused on the questions that I ask my staff, to get me to a comfort level that we are doing what we can do. Hopefully, I'll be better able to evaluate the answers they give me."

Bath County supervisor Claire Collins said the tour illuminated important issues. "I thought today's visit was productive and lent itself to posing even more questions about the need and the benefit of the Atlantic Coast Pipeline, and the impact it's going to have," she said. "There is a group of people within our community that want to maintain our look and feel and the integrity of our communities in Bath and Highland, and make sure that we don't have negative, adverse impacts on our water sources and our greenery. There is the potential for losing revenue if people don't see us as pristine. There are many unknown technical issues of dealing with development in karst topography."

Paylor began his career with the DEQ as a field biologist and also worked as aquatic ecologist, water resources manager, director of petroleum programs, and director of operations. Gov. Tim Kaine appointed the Richmond native as DEQ director in 2006; and Governors Bob McDonnell and Terry McAuliffe subsequently re-appointed him to the position.