



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

DAVID J. TOSCANO  
MINORITY LEADER

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CHARLOTTESVILLE, VIRGINIA 22902

FIFTY-SEVENTH DISTRICT

COMMITTEE ASSIGNMENTS:  
COURTS OF JUSTICE  
TRANSPORTATION  
RULES

May 25, 2017

Via USPS and Email: [david.paylor@deq.virginia.gov](mailto:david.paylor@deq.virginia.gov)

David K. Paylor, Director  
Virginia Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

Re: DEQ / Atlantic Coast Pipeline

Dear Mr. Paylor:

I write to express my concern about reports that the agency has seemingly backtracked on its earlier decision to require certifications for each individual segment of the Atlantic Coast Pipeline (ACP) that crosses or affects a Virginia waterway, and to urge your reconsideration. Relying instead on a so-called "blanket permit" issued by the U.S. Army Corps of Engineers is an unnecessary and unwise delegation of authority to the federal government to protect Virginia streams and rivers in the face of a major project that will be disruptive and potentially damaging to our environment. DEQ's jurisdiction is clear not only under our state code, but also under Section 401 of the National Clean Water Act.

While I applaud the agency's decision to examine and review environmental impacts of the ACP on upland areas not covered by the Corps' permit, the assessment of stream and waterway impact is something that should remain within DEQ's control and examination. I strongly urge that you do so.

Sincerely,

David J. Toscano

DJT/mjw