

**COUNTY OF AUGUSTA, VA.**

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**TIMOTHY K. FITZGERALD – COUNTY ADMINISTRATOR**

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**ORIGINAL**

May 24, 2018

*Via email to:*

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Members of the Virginia State Water Control Board

c/o Office of Regulatory Affairs

Department of Environmental Quality

P.O. Box 1105

Richmond, Virginia 23218

David Paylor, Director

Virginia Department of Environmental Quality

P.O. Box 1105

Richmond, Virginia 23218

CP15-554-000

Dear Members of the Virginia State Water Control Board and Director Paylor:

I am writing to officially express the Augusta County Board of Supervisors concerns that the Army Corps of Engineers' Nationwide Permit 12 is insufficient to protect water quality in Augusta County from potential harm caused by the Atlantic Coast Pipeline (ACP). This pipeline will cross 189 rivers and streams, and 43 wetlands across Augusta County. Augusta County would request the State Water Control Board direct the Department of Environmental Quality to conduct stream-by-stream analyses of crossings using its authority under Section 401 of the Clean Water Act and impose the necessary standards to ensure full protection of Augusta County's 14 state regulated water ways.

Nationwide permits are appropriate for certain routine projects that have only minimal effects on water quality. The Atlantic Coast pipeline is not an appropriate candidate for coverage under Nationwide Permit 12 because of the fact that the Atlantic Coast Pipeline is a major construction project that will each cross many waterways in Augusta County, including some of our most pristine rivers and streams. For example, the ACP will cross the Calfpasture River, a waterway that DEQ has described as "literally exceptional."

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REGULATORY COMMISSION

Members of the Virginia State Water Control Board

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One of the most significant problems with coverage under the Nationwide Permit 12 is the cumulative harm to watersheds will be left unaddressed. The ACP may have serious cumulative impacts on water quality—a critically important factor that could be overlooked if the state does not undertake its own assessment. Thus, it is appropriate for the Board to direct DEQ to conduct its own more thorough, site-specific review that considers the cumulative effects of multiple crossings within individual watersheds.

For example, the Atlantic Coast Pipeline and pipeline access roads will cross the Calfpasture River and its tributaries in Augusta County 71 times according to the final environmental impact statement for the project. (The specific crossing IDs for the Calfpasture are VA AP-1 0106 to VA AP-1 0172.) The concentration of pipeline crossings and other pipeline activities along these streams and rivers presents a significant risk to water quality that was not assessed as part of the Corps' Nationwide Permit 12 review or the state's 401 certification.

Thank you for the opportunity to comment on this important issue. Augusta County urges the members of the State Water Control Board to direct the Department of Environmental Quality to conduct additional stream crossing analysis needed to ensure full protection of Augusta County's water resources. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "TK Fitzgerald". The signature is fluid and cursive.

Timothy K. Fitzgerald ICMA-CM

County Administrator

Augusta County

*cc: The Honorable Matt Strickler, Secretary of Natural Resources*

*The Honorable Kimberly Bose, Secretary, FERC*

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