

Christopher and Victoria Vacher
1496 Hankey Mountain Highway
Churchville, VA 24421-2801

May 26, 2018

Virginia Department of Environmental Quality
State Water Control Board
1111 East Main Street
Richmond, VA 23219
(804) 698-4000

RE: Project ID # VA AP-1 0106 through # VA AP-1 0235 of the Atlantic Coast Pipeline

Board Members:

Thank you for opening a public comment period regarding the Nationwide Permit 12 (NWP12), issued by the Army Corps of Engineers, for the Atlantic Coast Pipeline. We believe that the NWP 12 authorization and the VDEQ §401 water quality certification of the NWP 12 are inadequate. Neither authorization properly evaluates the cumulative impacts of this proposed pipeline, in Augusta County, nor its potential effects on the downstream Staunton Reservoir located in the George Washington National Forest. As regular and frequent patrons of Staunton businesses, we are concerned that neither the Army Corps of Engineers, nor the VA DEQ has supplied a complete and cumulative impact statement regarding the Atlantic Coast Pipeline's effects on local drinking water supplies. We also have concerns for the household water of loved ones that rely on Staunton's municipal water supply in the city and surrounding Augusta County areas. The NWP 12 examines the upstream crossings as, "separate and distant" stand-alone projects and overlooks the fact that these numerous crossings and discharge areas will have a cumulative effect on downstream resources not included in the scope of the NWP12 and VDEQ §401 authorization.

We understand that you are seeking comments regarding specific proposed locations, however, as avid hikers, naturalists, citizen scientists, anglers, nature/wildlife photographers, conservationists, and all around nature lovers, this proposed pipeline raises multiple concerns across its entire proposed footprint. Project ID # VA AP-1 0106 through # VA AP-1 0235 would adversely and permanently impact our use of this region. As you know, under Virginia and federal laws, existing uses after November 28, 1975, are protected whether or not those uses are included in water quality standards. All of the water crossings listed above are within communities that economically rely on these same waterways to draw eco-tourism capital to their areas. In Virginia, the antidegradation policy commands that all "existing uses" be fully supported.

All of the proposed stream discharge areas within the Augusta County area would have a negative effect on every species of native fish, stocked fish, and shellfish within those and downstream waterways. One fish, that happens to be a symbol of Virginia, the Brook Trout (*Salvelinus fontinalis*) would unquestionably suffer. In addition to the discharge silt/sediment, the removal of streamside trees will cause manifold problems for our already struggling wild trout.

The following can be found on the Department Of Game & Inland Fisheries website: <https://www.dgif.virginia.gov/fishing/trout/wild-trout-program/>

- Siltation and other more direct forms of habitat alteration, such as channelization, have also cost Virginia **many miles** of trout water. Silted stream bottoms decrease the stream's insect population, an important source of trout food. Siltation also makes trout reproduction difficult. Trout lay eggs in stream gravel, and clean gravel is necessary to insure movement of oxygenated water over the eggs. **As little as a quarter-inch of silt over trout eggs can result in 100 percent mortality.**

In addition to fish, the wildflowers that hikers, pollinators, and photographers flock to see would be negatively affected by this discharge and construction disruption. Trillium, Lady Slippers, Bloodroot, and other woodland flowers would not only negatively affected by construction, but also will have their habitat destroyed.

Each discharge location and stream crossing requires an independent review. All of the crossings listed above have no Time of Year Restriction. This is ludicrous. The steep terrain, and heavy rains that frequent these areas during the spring and fall will cause sedimentation pollution.

The Mountain Valley Pipeline, which is set to pass through very similar terrain, claimed it had erosion and sediment control in place including concrete barriers. However, those protections were washed away, leaving Cahas Mountain Road covered in mud.

Cahas Mountain Road is mud-covered on Friday.
Courtesy Mountain Valley Watch



Jennings Branch, which would be affected by VA AP-1 0181, VA AP-1 0182, VA AP-1 0183, and VA AP-1 0192, runs through our property. We have witnessed Jennings Branch rise from a trickle to an over six foot deep raging torrent in less than 36 hours. There are no protections that Dominion can implement that will control erosion in these regularly occurring events. They are setting these areas up for absolute failure.



Jennings Branch, 3 Miles Northwest of the Village of Churchville.
Photos facing west/upstream *Photos by Victoria Vacher*



Despite what Dominion may tell you, these are regular occurrences. If you have not personally been to these areas, you truly need to see them, the terrain, the properties, and the resources that would be permanently damaged by this project. If you would like a tour, feel free to use our contact information above. We would be more than happy to show you these areas, and arrange qualified experts in the field to assist.

We respectfully request that the VDEQ State Water Board repeal the §401 water quality certification, and require that each upland crossing be reevaluated and researched. There are 71 crossings of the Calfpasture River and 49 crossings of Back Creek; both trout streams. A blanket authorization like nationwide permit 12 does not properly address the cumulative damage so much construction in one waterway would create.

Sincerely,

Christopher N. Vacher

Victoria L. Vacher

The following article can be found at: <http://wset.com/news/local/deq-orders-pipeline-construction-on-cahas-mtn-road-to-stop-following-mud-flow>

DEQ orders pipeline construction on Cahas Mtn Road to stop following mud flow

FRANKLIN Co., VA (WSET)-- ROANOKE, Va. (WSET) -- Homeowners in the area of the Cahas Mountain in Franklin County say their fears are coming true when it comes to the Mountain Valley Pipeline.

Sighing, Charles Flora said "Yes, we told you so, but now the sadness sinks in as well."

Flora, who owns Floradale Farms on Cahas Mountain Road took pictures of the muddy run-off from where crews for the MVP have been working.

After days of wet weather, Friday, Cahas Mountain Road was covered with about 6 inches of mud, forcing state and county officials to close the road while it was cleaned.

With trees already cleared by MVP workers, there was nothing to hold the soil in place during the storms.

Following the mud flow, the state Department of Environmental Quality ordered pipeline workers to stop building in that area, telling them to instead work on cleaning and fixing erosion problems.

The farm where the slide happened has been in Flora's family for 120 years. Flora says it was heartbreaking to see the damage. He worries that as more storms come, there will be even more damage.

"We knew with those steep grades that they could not excavate this and control it real well. Now, they could have been lucky that with no rains, but rains came as they always do this time of year. It has effected the wildlife in the stream, it effects my brother's cattle. The rivers and the streams were running red," said Flora.

Both DEQ and the MVP say they don't believe the runoff reached any of the streams or wetlands.

In a statement, Natalie Cox, a spokesperson for MVP, said:

On Friday, May 18, 2018, an inspector notified the MVP project team that a slip occurred on the right-of-way adjacent to Cahas Mountain Road. About six to eight inches of mud blocked both lanes of the road, but no streams or wetlands were impacted. Unusually heavy rainfall overnight contributed to turbidity in a nearby stream, which is apparent from the water conditions upstream from the right-of-way and site of the slip.

Initial reviews indicate the controls were installed properly; however, the circumstances appear unusual and an ultimate cause is under investigation. Upon learning of the issue, MVP crews promptly began remediation activities, and the road was reopened about 5:30 p.m. Friday. The project team remains committed to the safe and responsible construction of this important underground infrastructure project.

DEQ says they will have engineers in the area all week long watching and working with MVP on reestablishing erosion control.

The following article can be found at: <http://www.thestate.com/latest-news/article211792449.html>



Dominion Energy pipeline route through SC's Upstate. Critics say mud from the project flowed into creeks, but the company says it's straightened out the mess Courtesy Upstate Forever

Dominion Energy under scrutiny after mud clogs water system near utility's SC project

BY SAMMY FRETWELL
sfretwell@thestate.com

May 24, 2018 05:47 PM
Updated May 25, 2018 05:56 AM

As Dominion Energy seeks to expand its presence in South Carolina by acquiring SCANA, the Virginia utility is under scrutiny for an environmental mess that temporarily shut down part of a SC public water system this spring.

The S.C. Department of Health and Environmental Control says Dominion failed to control sediment near a 55-mile pipeline it had built, contributing

to problems at the Woodruff-Roebuck Public Water District, which serves more than 10,000 customers south of Spartanburg.

Sediment washing off the pipeline's construction sites wound up in creeks that feed into the South Tyger River, where the water district has an intake pipe, records show. The muddy soil also worked its way into the river and helped clog the pipe, officials with DHEC and the water district say "It had to have contributed," DHEC spokesman Tommy Crosby said.

The problem became so bad one day in mid-April that the Woodruff-Roebuck system had to buy water from another Upstate utility because its mud-clogged intake pipe could not treat water, officials said.

Dominion's recent problems are occurring as the utility raises its profile in the Palmetto State.

The company now is trying to buy SCANA, the troubled Cayce-headquartered utility, in the aftermath of its \$9 billion failed nuclear construction project. Some legislators and South Carolinians are watching Dominion closely to determine what kind of corporate citizen it will be if that buyout succeeds.

Dominion bought SCANA's pipeline company about four years ago. Since then, it has installed more pipes in South Carolina, including the Upstate line and [one through Lower Richland](#). Dominion recently has been a [lightning rod for criticism in Virginia](#) and North Carolina over its plans to build a massive natural gas pipeline through those states. [Dominion](#) is one of the nation's largest energy companies.

Dominion's recently completed Upstate pipeline, which extends from southern Spartanburg County to Lake Greenwood, has stirred plenty of concerns among environmentalists and utility managers in the Upstate.

For parts of this year, the Woodruff-Roebuck utility experienced some of the highest turbidity levels — which show the amount of soil in water — ever seen near one of its Tyger River intake pipes, said Jeff Phillips, water resources manager for the system. The highest levels occurred while the pipeline was under construction, as well as after the project was completed in late winter, Phillips said. Rising sediment levels required the company to add more chemicals to treat the water, he said.

In a statement this week, Dominion said its efforts to control erosion along the pipeline's route in southern Spartanburg County were “overwhelmed” by heavy rains. Some sediment then reached the South Tyger River, although the amount was “limited,” spokeswoman Kristen Beckham said.

Beckham said the utility since has stabilized the pipeline route and is studying the impact of washing sediment. “We take environmental stewardship very seriously,” Beckham said in an email.

DHEC officials did not say whether they will cite Dominion for polluting the river and streams with sediment.

Under S.C. law, companies clearing land must take steps to control mud and dirt from eroding off construction sites during rain storms. But DHEC says oil and gas pipelines are exempt from some of those requirements.

“The question is what will be done about this,” said Shelley Robbins, an official with the environmental group Upstate Forever.

Robbins, a pipeline critic, said she inspected the Dominion pipeline route in late April and flew over the site earlier this month. What she saw was a ribbon of exposed soil snaking through the foothills of South Carolina..

“They were sloppy,” Robbins said of Dominion's efforts to control soil erosion. “They promised us they would adhere to the highest level of construction standards and care, and they did not do that. We have steep unstable slopes. They did not make sure that those areas were stable.”

Soil erosion is a major concern in growing states like South Carolina, where exposed earth can turn creeks red with mud after heavy rains.

In this case, Dominion left bare soil along the route for several months, said Robbins and Phillips of the Woodruff-Roebuck water system. Robbins alerted DHEC about the erosion, saying pipeline sediment had “suffocated” two adjacent streams.

“For probably three months, it was just barren soil,” Phillips said of the Dominion pipeline route.



Erosion near Dominion Energy pipeline project in South Carolina **Courtesy Upstate Forever**

You can read a full report of the following info at:

<http://www.dep.wv.gov/pio/Documents/Settlements%20and%20Orders/DOMINION%20TRANSMISSION%20INC.pdf>

October 1, 2012: Dominion caused conditions not allowable in waters of the State by creating sediment deposits in and Unnamed Tributary (UT) of Battle Run at or near N40°06.535'W80°35.297'

November 8 and 9, 2012: Dominion caused conditions not allowable in waters of the State by creating sediment deposits at the following locations:

- Sims Run located at or near N39°45.816'W80°50.473'
- A UT of Little Tribble Creek (SWV-JSL-030) located at or near N39.827821° W80.768483°

- A UT of Little Tribble Creek (SWV-JSL-037) located at or near N39.834616° W80.763886°
- A UT of Grave Creek located at or near N39°50.976' W80°43.974'
- Bartletts Run located at or near N39°52.454' W80°41.072'
- A UT of Leach Run located at or near N39°54.629' W80°40.966'
- A UT of Little Toms Run located at or near N39°53.953' W80°41.256'
- A UT of Grave Creek located at or near N39°57.424' W80°39.624'

March 11, 2013: Dominion caused conditions not allowable in waters of the State by creating sediment deposits in Sims Run located at or near N 39° 45.816 W 80° 50.473".

March 13, 2013: Dominion caused conditions not allowable in waters of the State by creating sediment deposits at the following locations:

- A UT of Long Run located at or near N39°47'20.92" W80°48'27.00".
- ii. A UT of Little Tribble Creek located at or near N39°49'38.71" W80°46'08.17". Sediment controls were also observed in the UT.
- A UT of Little Tribble Creek located at or near N39°50'00.92" W80°45'50.36". Sediment controls were also observed in the UT.

March 18, 2013: Dominion caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in Middle Run located at or near N39°16'05.90" W80°48'14.89".

May 14, 2013: Dominion caused conditions not allowable in waters of the State by creating sediment deposits in Bartletts Run at or near N39°52.3772' W80°41.1271'.

Sediment control devices were also observed in the stream

January 15, 2014: WVDEP received a Spill Report (HSEM Ref No. 2116-A) regarding produced water leaking from an undetermined location at the Lightburn Compressor Station near Lightburn, West Virginia. As a result of the investigation, it was determined that underground pipelines associated with the plant were leaking outside of secondary containment. To date, remediation is on-going, and Dominion is in the process of submitting a sampling plan to WVDEP. Dominion represents that it has a Groundwater Protection Plan for the Lightburn Compressor Station, which is kept on-site and available

February 5, 2014:

- Dominion caused conditions not allowable in waters of the State by creating distinctly visible settleable solids. Specifically, a break in pipeline H-3904 located at or near GPS coordinates 39° 11.3163' N, 80° 35.2317'W released crude oil and produced water into Dry Fork. Dominion and/or a contractor under its guidance and/or direction failed to provide sufficient protection to prevent crude oil and produced water from entering Dry Fork.
- Dominion failed to report to the Office of Water Resources' Emergency Notification Number any non-compliance, which may have endangered health or the environment immediately after becoming aware of the circumstances.
- Dominion failed to immediately take all measures to contain the spill caused by the H-3904 pipeline break.

February 28, 2014: Dominion caused conditions not allowable in waters of the State by creating sediment deposits in a UT of Grave Creek at or near N 39°50.7328' W 80° 44.0825'.

April 1, 2013: **The Department of Justice and the U.S. Environmental Protection Agency (EPA) announced today that Dominion Energy has agreed to pay a \$3.4 million civil penalty and spend approximately \$9.8 million on environmental mitigation projects to resolve Clean Air Act (CAA) violations.** <http://www2.epa.gov/enforcement/dominion-energy-inc>



Photo 6: At or Near N39°50.7328' W80°44.0825' Slip impacting Grave Creek.



Photo 1: N39°47'20.92" W80°48'27.00" Stream channeled filled. Long Run.



Photo 7: N 39° 45.816' W 80° 50.473' Simms Run Slip.



Photo 2: N39°47'20.92" W80°48'27.00" Slip on Long Run.



Photo 5: At or Near N39°50.7328' W80°44.0825' Slip impacting UT of Grave Creek.

The following letter from the U.S. DOT can be read at:

http://primis.phmsa.dot.gov/comm/reports/enforce/documents/120131014W/120131014W_Warning%20Letter_08162013_text.pdf



U.S. Department
Of Transportation
Pipeline and
Hazardous Materials
Safety Administration

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

WARNING LETTER

EXPRESS OVERNIGHT DELIVERY

August 16, 2013

Jeffrey L. Barger
Vice President, Pipeline Operations
Dominion Transmission, Inc.
445 West Main Street
Clarksburg, WV 26302-2450

CPF 1-2013-1014W

Dear Mr. Barger:

During the week of March 5, 2012, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your gas transmission pipelines in the Westfield, PA area.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49 - Code of Federal Regulations. The items inspected and the probable violation(s) are:

1. **192.605 Procedural manual for operations, maintenance, and emergencies**
Each operator shall include the following in its operating and maintenance plan:
 - (a) **General.** Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

Dominion failed to keep appropriate parts of the procedural manual for operations, maintenance, and emergencies at locations where operations and maintenance activities are conducted.

Specifically, automatic shutdown and manual shutdown procedures were not kept at Harrison Station.

2. **192.605 Procedural manual for operations, maintenance, and emergencies**
(a) **General.** Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

Dominion failed to follow its emergency plan revised 3/1/2006. That emergency plan required written directions (for field locations), developed either by field personnel or supervision, be available at field offices or support offices.

Specifically, written directions were not available at Boom Station.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 1-2013-1014W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

Byron Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

EPA and Dominion Cove Point Settle Violations at Natural Gas Distribution Facility in Maryland

Release Date: 03/17/2015

PHILADELPHIA (March 16, 2015) – *Dominion Cove Point, LNG will pay a \$365,000 civil penalty to settle alleged violations of federal environmental regulations involving unreported releases of ammonia into the air from its liquefied natural gas distribution facility at 2100 Cove Point Road, Lusby, Md. EPA cited Dominion for failing to report 27 separate releases of more than 100 pounds of ammonia from its natural gas turbines while generating the site's electricity.*

Federal regulations require facilities to report any anhydrous ammonia release above 100 pounds to the National Response Center, the state emergency response commission, and local emergency planning officials. Dominion failed to immediately notify any of these agencies following each of the 27 ammonia releases. It also failed to submit required follow-up reports to the agencies. These reports provide useful information in case an emergency response is necessary.

"When manufacturing facilities experience the release of a reportable substance, they must notify emergency responders so nearby communities can be properly protected," said Shawn M. Garvin, EPA Mid-Atlantic Regional Administrator. "Dominion Cove is now providing continuous emissions reporting, which benefits the responders and the community."

The alleged violations come under two federal statutes: the Emergency Planning and Community Right-to-Know Act (EPCRA); and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. EPCRA requires notification of the state and local authorities, and CERCLA requires notification of the National Response Center.

During the production of electricity to run the facility, the natural gas turbines are equipped with a catalytic system that uses ammonia to control emissions of nitrogen oxides (NOx) from its stacks. Controlling

NOx emissions helps maintain air quality standards and reduces harmful greenhouse gas emissions.

March 23, 2017-

http://www.bayjournal.com/article/court_rules_that_dominions_coal_ash_polluted_elizabeth_river

A federal judge ruled Thursday that Dominion Virginia Power's storage of coal ash at a now-closed plant near the Elizabeth River has been illegally polluting groundwater and the river for years. The decision could impact Dominion's plans to permanently store ash in pits at other plants where coal has historically been burned for power.

*U.S. District Judge John Gibney Jr. in Richmond ruled that the Sierra Club had **proved that arsenic from four coal ash impoundments at Chesapeake Energy Center has contaminated groundwater and seeped into the Elizabeth River**. In a 21-page opinion, Gibney wrote that the pollution violates the federal Clean Water Act because the company did not have a discharge permit from state regulators for such releases.*

Dominion's record of repeated environmental and regulatory violations does not create assurance in their competence to construct, operate, and maintain a natural gas pipeline that is larger than they have ever built. The company has repeatedly illustrated a total lack of respect for the environment, and the residents affected. The financial penalties that have been brought against Dominion simply are passed on as expenses to the consumer. In the end, the environment, residents, municipalities, and the consumers are being penalized while Dominion executives and shareholders continue to reap massive profits.