

Dear Virginia Department of Environmental Quality (DEQ),

I am writing this letter as past Chairman of the Board of the Friends of the Middle River (FOMR). This is my opinion and not that of the Board of Directors of FOMR.

Since 2010, FOMR has worked diligently to promote the stewardship and enjoyment of Middle River. FOMR organizes cleanups, monitors for aquatic life, monitors for E. coli contamination, organizes and leads float trips, and sponsors other educational and recreational events. It organizes riparian tree plantings and helps farmers maintain their riparian buffers. FOMR partners with Headwaters SWCD, the Alliance for the Chesapeake Bay, the Chesapeake Bay Foundation, DEQ, VA Save our Streams, and many other organizations, to work towards water quality in the Middle River Watershed.

Middle River starts and ends in Augusta County and is one of three rivers which flow together to form the South Fork of the Shenandoah River. Middle River is in the direct path of the Atlantic Coast Pipeline (ACP). The ACP crosses 9 different streams and their tributaries in the Middle River Watershed a total of 41 times. That number does not include dozens of drainages which swell to overflowing after heavy rains.

Forty-one crossings means at least 41 different opportunities for the construction team to make a mistake. Those mistakes will show up downstream. In addition, nobody knows what will happen when heavy rains come. Just look what has happened this month (May) all over the areas where pipeline construction has already started. Erosion controls have been washed away along with tons of soil and everything else.

Middle River has been listed as a TMDL stream for E. coli bacteria and aquatic life (excess sediment). However, many different organizations, municipalities, farmers, and individuals have spent years working to improve water quality in Middle River. That effort has paid off - a 23 mile section of Middle River now meets state standards for E. coli and sediment and has been de-listed from VA's Impaired Waters List by DEQ. That delisted section is downstream of all 41 of the ACP's crossings in the Middle River Watershed.

That delisted section also happens to be where the majority of FOMR's recreational and educational activities take place - where FOMR puts the most citizens in or on the water through float trips, canoe/kayak races, cleanups, children playing in the water, and benthic demonstrations for youth groups.

DEQ's plan to supervise pipeline construction on the ACP was best summarized by Tracy Pyles in an OpEd piece to the Waynesboro News Virginian:

*"Earlier this year Virginia's DEQ yielded its regulatory authority to monitor individual stream crossings to the Army Corps of Engineers. The corps, in turn, gave the ACP blanket approval for its work through rivers, streams and wetlands via a Nationwide Permit #12. This permit allows "discharge of dredged or fill materials into wetlands and streams during the construction of pipelines." This blanket permit replaces the normal standard of individual monitoring for particular issues of water quality on the 889 waterbody crossings across the state or the 189 stream and 43 wetland crossings in Augusta County.*

*How is it right then that after our legislators wrote laws to protect our streams and wetlands and created the DEQ to enforce those laws, that the DEQ can just relieve itself of its mandated responsibilities? And how is it right that after being ceded the authority to protect these same resources that the corps should then yield this oversight to the very ones who we are to be protected from? In sum who thought it a good idea to put the fox in charge of the henhouse?"*

Each of those 41 crossings mentioned above will have its own set of obstacles to be considered by construction crews. If they are allowed to discharge into the streams, that could have catastrophic consequences to Middle River's water quality and to FOMR's activities. Each and every open-cut crossing to install a 42 inch pipeline has the potential to contaminate everything downstream of that crossing. Because the Nationwide Permit 12 (NWP 12) does not address cumulative impacts to water quality, it is almost assured that Middle River below those 41 crossings will be at serious risk.

FOMR's activities are all "designated uses" as defined by DEQ's Water Quality Standards (WQS) and are reliant on good water quality. Just because this section is downstream of the ACP crossings does not mean that it is exempt from DEQ's antidegradation WQS requirements either. If allowed to proceed under the NWP12 permit, overall downstream degradation would be ignored. That would be disastrous for FOMR and the community. It would interrupt or destroy FOMR's recreational and educational activities for some time. The influence of large volumes of sediment released downstream would cover rocks in the recently delisted section and reduce the population of macroinvertebrates there. Fewer macroinvertebrates means fewer fish. Fewer fish means fewer fishermen. Canoe/kayak paddling would not be safe in the sediment-laden muddy water. Paddlers would not be able to see hazards just below the surface.

Middle River drains 38.4% of the entire area of Augusta County. There are another 148 stream crossings in the other two major watersheds through which the ACP will pass in Augusta County - the Calfpasture and the South River Watersheds. 100% of Augusta County's water flows to the Chesapeake Bay.

What could possibly go wrong with construction of dozens of open-cut crossings? If there is a problem, can we trust Dominion to fix it in a timely fashion? I am concerned about this. My concern is based on reading about their response to problems in other pipelines they have constructed. I am not convinced that they will alleviate problems in a timely fashion. Their lack of response could spell doom for our small watersheds.

A prime example was the G-150 pipeline construction project in West Virginia in 2014. There were major erosion and sediment problems with the G-150 pipeline, which was only an 8 inch pipeline. When problems were encountered, Dominion's response wasn't exactly "Let's fix this." Here is a link to an article from the Pocahontas (WV) Times about Dominion's response: <https://pocahontastimes.com/dominion-cited-for-water-pollution-violations/>

If Dominion cannot build an 8 inch pipeline without creating major problems, how can we be confident they will be able to build a 42 inch pipeline without major problems?

The NWP 12 permit allows water degradation downstream and a reduction of recreational activities as a result. Is that what DEQ wants? The requirements applicable to the NWP 12 permit will not uphold DEQ's Water Quality Standards in the delisted section of Middle River I have highlighted. Simply put, the State of VA will not be able to "ensure" that Virginia's WQS will not be violated. Where does that leave FOMR?

Sincerely,

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