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Water board to weigh pipeline comments

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BY JOHN BRUCE • STAFF WRITER

RICHMOND — The Virginia Department of Environmental Quality is preparing a summary of more than 13,000 public comments relating to the Atlantic Coast and Mountain Valley pipelines for the State Water Control Board to consider at its meeting Aug. 21, a prepared statement indicates.

According to the DEQ spokeswoman Ann Regn, meeting details are not yet available, other than the meeting will begin at 10 a.m. somewhere in Richmond. What action, if any, would be taken after the summary is presented is a decision of the board, a DEQ statement on the agency's website says

The comments are not publicly accessible now but will be, Regn said.

She said Dominion has paid DEQ expenses related to the proposed Atlantic Coast Pipeline in response to an inquiry by The Recorder. DEQ received reimbursement for plan review costs, but no other funds have been received from Dominion for operations. Dominion paid \$1,873,650, the full contract, in advance.

Of the SWCB meeting, she said, "At this time, there is no planned action. The board may consider further actions, consistent with its regulatory authority, at its discretion without additional public comment on whether further action is warranted. Actions taken by the board, such as issuing permits and certifications, go through an administrative process and, consistent with the commonwealth's Administrative Process Act, applicable laws, and the board's regulations, administrative processes are necessary before those actions can be modified or terminated. There are also processes necessary prior to the taking of administrative enforcement action in response to notices of violations issued by DEQ.

"With respect to the public comment period associated with the U.S. Army Corps of Engineers' Nationwide Permit 12," she said, "the purpose of the comment period was to

provide, as directed by the State Water Control Board, a 30- day written comment opportunity for the submittal of crossing-specific technical information to DEQ on the sufficiency of the Corps NWP 12 permit's general and regional conditions, the Corps NWP 12 permit authorization for Mountain Valley Pipeline and Atlantic Coast Pipeline, and the commonwealth's 401 water quality certification of NWP 12 for specific stream crossings of both the MVP and ACP projects. The comment period originally ran from May 1 to May 30, 2018. The closing date of the comment period was extended to June 15, 2018, because of the website outage," the DEQ statement says.

At a SWCB meeting April 12, some board members discussed whether NWP 12 is sufficiently protective of the commonwealth's aquatic resources. DEQ advised the board that the protections established in NWP 12 were the same as those that would have been established in an individual VWP permit.

During the discussions, the members raised no specific areas of concern and provided no technical information that NWP 12 was insufficient.

The board also discussed possible processes and effects of any actions, if deemed appropriate under the board's regulations, to revisit certification of NWP 12 as it relates to MVP and ACP. The board took no action to revisit certification of NWP 12 as it relates to the pipeline projects.