

The Recorder

Inclusive, independent, indispensable.

State water board chair resignation wanted

September 27, 2018

MONTEREY — The Dominion Pipeline Monitoring Coalition is calling on the State Water Control Board chair to resign for alleged dereliction of duty in regulating the proposed Atlantic Coast Pipeline and Mountain Valley Pipeline.

According to Rick Webb, DPMC coordinator, chair Robert Dunn failed to comprehend the ramifications of board actions on pipeline water quality certifications.

“This shocking information calls the board’s process and decisions into serious question. Chairman Dunn’s failure to inform himself of the facts about the board’s authority before taking votes on these enormously damaging and far-reaching projects is an outrageous dereliction of duty,” Webb said.

“Dunn sent an email to the Richmond Times-Dispatch saying, ‘Read your article in today’s Richmond TD. You stated someone cast a [sic] anti-pipeline vote and someone cast a pro-pipeline vote. I do not believe the State Water Control Board has the authority to approve or disapprove the pipeline. The vote was not for or against the pipeline. Do you understand what the SWCB voted on? I believe the vote had to deal with permits to address water quality and standards. Question for you: Does or can the pipeline be built if the SWCB does not grant a permit? If so, who has control? In other words does SWCB action have ability to stop the pipeline?’” Dunn said, according to Webb.

Webb explained, “Of course, the legal reality is that the Clean Water Act gives the state an absolute veto authority over any federally-licensed project that might violate its water quality requirements. The information submitted for the board’s consideration before any votes were taken contains detailed legal analyses of the state’s authorities and role in regard to the pipeline processes. Thousands of people throughout Virginia understand that states have the power to deny approvals and thereby stop bad projects. Clearly, Chairman Dunn does not. Dunn’s question, ‘Does or can the pipeline be built if the SWCB does not grant a permit?’ shows a failure to carry out his duty to understand the laws and regulations he’s charged with applying.

“If Mr. Dunn had questions about the scope of the board’s authority, he should have sought the answer from those involved in the process and the official record upon which he was obligated to base his votes,” Webb said. “And he should have made those inquiries before participating in the board’s decisions, not months after taking his first vote on the pipeline certifications and after three board meetings where these issues were discussed. Dunn’s failure to do what was necessary to understand his proper role as a board member and, therefore, his willingness to cast votes without learning the facts and law that should have governed him, should disqualify him from continued service on the board.

“We call on Mr. Dunn to resign immediately. If Dunn fails to do so, Governor Northam must act now to remove him from the board and replace him with a person who will do his or her duty,” Webb said.

Dunn did not have a comment on the allegation. Questions to him or the board can be emailed to citizenboards@deq.virginia.gov.