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**RESOLUTION R2015-61**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION PETITIONING GOVERNOR TERRY MCAULIFFE AND SECRETARY**  
**OF NATURAL RESOURCES MOLLY WARD TO PROVIDE PUBLIC ACCESS TO**  
**EROSION AND SEDIMENT CONTROL PLANS FOR THE CONSTRUCTION OF THE**  
**ATLANTIC COAST PIPELINE**

**WHEREAS, Dominion Resources, Inc., Duke Energy Corporation, Piedmont Natural Gas Co., and AGL Resources, Inc. have formed Atlantic Coast Pipeline, LLC, which has contracted with Dominion Transmission, Inc. to permit, build, and operate a natural gas pipeline which transects portions of three states, including eleven counties and two cities in the Commonwealth of Virginia; and**

**WHEREAS, the proposed Atlantic Coast Pipeline will require excavation of over twenty-one and six tenths (21.6) miles of highly erodible soils with slopes greater than 8% in Nelson County; and**

**WHEREAS, the required excavation is unprecedented and will cause severe erosion in vertically steep and inhospitable mountainous terrain, and the amount of runoff from seasonal downpours would cause major soil loss and slides; and**

**WHEREAS, all private water systems and most business systems in Nelson County rely on groundwater from wells or springs for their water supplies; and**

**WHEREAS we are deeply concerned that construction of the proposed Atlantic Coast Pipeline will impact the quality and quantity of water supplies due to erosion, sedimentation and impacts on hydrology; and**

**WHEREAS, Nelson County's agricultural-tourism based economy is highly reliant on abundant, clean water; and**

**WHEREAS, erosion caused stream sedimentation is a significant contributor to pollution of the surface waters of Virginia and the Chesapeake Bay; and**

**WHEREAS**, the Virginia Department of Environmental Quality has the authority to request site-specific erosion and sediment control and storm water management plans from Dominion Transmission, Inc., as prescribed by the Erosion and Sediment Control Regulations 9VAC25-840-30-B: "The submission of annual standards and specifications to the department does not eliminate the need where applicable for a project specific Erosion and Sediment Control Plan"; and

**WHEREAS**, Nelson County's unique mountainous terrain with shallow soils and granitic bedrock that are prone to landslides qualifies this project for DEQ authorization under VA Code to require submittal of a "*project specific Erosion and Sediment Control Plan*"; and

**WHEREAS**, current Erosion and Sediment Control and Stormwater Management regulations include critical post construction runoff requirements; and

**WHEREAS**, the Freedom of Information Act can be used to obtain public and local government access to such plans, but only if the Virginia DEQ requires the submission of the plans to the agency by the pipeline developer.

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that in consideration of the points made above, the Nelson County Board of Supervisors respectfully requests that:

1. DEQ will require project-specific Erosion and Sediment Control and Stormwater Management Plans for the proposed Atlantic Coast Pipeline project that meet all Virginia standards, and that these plans will be made available to the public prior to project approval and construction; and
2. Localities will have the right to review plans, conduct inspections and enforce their local Erosion and Sediment Control Ordinances; and
3. Prior to project approval and construction, Dominion Transmission, Inc. officials and third-party inspectors will be required to meet with local officials to discuss the implementation of the project-specific Erosion and Sediment Control and Stormwater Management Plans and adaptive management plans.

**AND BE IT FURTHER RESOLVED** that the Nelson County Board of Supervisors directs the Clerk of the Nelson County Board of Supervisors to send a copy of this resolution to: Governor of Virginia Terry McAuliffe, Virginia Secretary of Natural Resources Molly Ward, Virginia Senator Creigh Deeds, Virginia Delegate Richard Bell, Virginia Delegate Matthew Farris, US Senator Mark Warner, US Senator Tim Kaine, US Congressman Robert Hurt, Atlantic Coast Pipeline, LLC, Dominion Transmission, Inc., and the Federal Energy Regulatory Commission (FERC).

Adopted: July 14, 2015

Attest: Stephan A. Carter Clerk  
Nelson County Board of Supervisors