



June 22, 2019

P.O. Box 1065
Charlottesville, VA
22902
(434) 971-1553
www.wildvirginia.org

Members of the State Water Control Board
c/o Office of Regulatory Affairs
Department of Environmental Quality
P.O. Box 1105 Richmond, Virginia 23218

Sent Via Email

Re: Formal Complaint to FERC Against MVP and Request for Board Intervention

Dear Members of the Board:

Board of Directors:

Bette Dzamba

Howard Evergreen

Katie Keller

Brian Lux

David Sellers

Deirdre Skogen

Jamie Trost

Ryan Wagener

Elizabeth Williams

On June 21, 2019, Wild Virginia, Inc., Preserve Craig, Inc., Indian Creek Watershed Association, Betty B. Werner, and Neal J. Laferriere have submitted a Formal Complaint to the Federal Energy Regulatory Commission (FERC) based on violations of the Certificate of Public Convenience and Necessity issued for the Mountain Valley Pipeline (MVP).

The bases for the complaint fall into two categories. First, is the fact that federal permits from the Corps of Engineers, BLM, and the Forest Service have been struck down by courts or suspended. Because, these permits are conditions-precedent to construction, the Commission is obligated to stop construction. FERC staff has failed to respond to this issue and this Complaint raises the issue to the Commissioner level.

Second, the overwhelming record of noncompliance on MVP in both WV and VA demonstrates that Mountain Valley is currently neither able nor willing to fulfill its responsibilities under the law. While some particular violations have been resolved others have persisted over many months and no satisfactory actions have been taken. Even more serious, the same kinds of problems continue to occur day after day and month after month in new places. This demonstrates a systemic problem that may only be solved with new technical approaches and/or a drastically different attitude and approach by the company.

We are asking FERC to suspend or revoke its Certificate for the project, to issue a project-wide stop work order, and taken some other actions. We ask for you support.

As you know, the Clean Water Act Section 401 water quality certification you issued for upland activities on MVP is incorporated into the FERC license and FERC is obligated to enforce them. You considered starting your own revocation process but decided the Board lacked the authority to proceed. We are calling on you to intervene in this action and join us in calling for revocation and suspension by FERC - to tell FERC it should act where you felt you were unable to do so.

There will be a 20-day comment period after publication in the Federal Register and the state can intervene during that time. We ask that you add this matter to the agenda for your meeting next Thursday. I would like to be allowed to speak to the Board about the complaint and will be prepared to explain the issues further and answer any questions you have.

Protecting Your Favorite Wild Places

Printed on 100% Post Consumer Recycled Paper

Finally, I should say that we do not feel this action is in conflict with the state's enforcement lawsuit. We support a strong enforcement action by Virginia and will be happy to provide ideas about possible requirements that could be imposed to protect the public and our waters. Wild Virginia and other groups are looking for ways we can constructively influence that process.

Please contact me at 434-964-7455 or david@wildvirginia.org if there are any problems with the disk or if I may provide further information or assistance.

Sincerely,

/s/ David Sligh

David Sligh
Conservation Director