

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline, LLC
Docket No. CP21-57-000
§ 375.308(x)

May 13, 2021

VIA Electronic Mail

Melanie Davenport
Director
Virginia Department of Environmental Quality
Water Permitting Division
Melanie.davenport@deq.virginia.gov

Re: 401 Certification

Dear Ms. Davenport:

On February 19, 2021, Mountain Valley Pipeline, LLC (Mountain Valley) submitted an application to FERC to amend its certificated natural gas pipeline project (FERC Docket No. CP21-57-000).¹ The requested amendment would change the waterbody crossing method for the pipeline from open cut to trenchless at 120 locations, which would avoid open cut crossings of 182 waterbodies and wetlands. Specifically, in Virginia, this would include 82 conventional bore crossings and 1 crossing completed via guided conventional bore. In addition, Mountain Valley proposes a minor route adjustment in both Virginia and West Virginia to avoid crossing wetlands and waterbodies.²

As you are aware, a Clean Water Act (CWA) section 401 water quality certification is required for any federal license or permit that authorizes activities that

¹ In December 2017, the Virginia Department of Environmental Quality issued Mountain Valley a water quality certification for the originally certificated project.

² Mountain Valley's public amendment application is available at https://elibrary.ferc.gov/eLibrary/filelist?document_id=14930108.

may result in a discharge into navigable waters.³ The U.S. Army of Corps of Engineers has stated that because the trenchless crossings would avoid in-water work at the relevant waterbodies, these activities would not require a dredge and fill permit from the Corps under Section 404 of the CWA. To ensure compliance with the CWA, we request your opinion, as the state certifying agency, as to whether certification under Section 401 of the CWA is required for the amendment application activities. We respectfully request a response to this letter within 30 days.

If you have any questions regarding this request, please contact Ms. Jennifer Fink, Environmental Project Manager, at (202) 502-6259. Thank you for your cooperation.

Sincerely,



James Martin, PhD
Branch Chief, Gas Branch 3
Office of Energy Projects

³ 33 U.S.C. § 1341(a)(1); 40 C.F.R. § 121.2.

Document Content(s)

401 Clarification Letter-Virginia2.PDF.....1