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Federal environmental assessment green-lights change in Mountain Valley Pipeline construction method

By Mike Tony mtony@hdmediallc.com

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This photo from early June shows an area along the route of the Mountain Valley Pipeline near U.S. 19 in Braxton County that was damaged by flooding. Federal Energy Regulatory Commission environmental staff members have signed off on trenchless water crossing construction for the project in West Virginia and Virginia. Mountain Valley Watch | Courtesy file photo

Environmental staff members for the federal agency that regulates the natural gas industry have signed off on a proposal from Mountain Valley Pipeline developers to change the construction method across waterbodies and wetlands along the pipeline route as they await the fate of key water permit applications.

Federal Energy Regulatory Commission staff on Friday released an environmental assessment finding that changing from an open-cut dry crossing method as previously approved by the commission to a trenchless method of construction would reduce environmental impacts.

The 180-page assessment concedes that construction of the pipeline, which is slated to transport up to 2 billion cubic feet per day of natural gas from the Marcellus and Utica shale formations to markets in the mid-Atlantic and Southeastern regions of the U.S., would result in more emissions and noise by changing the construction methods.

But those impacts would be temporary, short-term and “not significant,” commission staff concluded.

Mountain Valley Pipeline LLC, the joint venture that owns the pipeline, proposed to use trenchless methods to tunnel under 120 locations to construct the 42-inch-diameter pipeline across 136 streams and 47 wetlands that the commission originally authorized as open-cut crossings.

Mountain Valley has proposed 38 trenchless water crossings covering a combined 5,682 feet in West Virginia: 16 in Nicholas County, seven in Summers and Webster counties, three in Greenbrier County, two in Lewis and Monroe counties and one in Wetzel County.

The 303-mile natural gas pipeline project travels from Northwestern West Virginia to Southern Virginia, crossing Wetzel, Harrison, Doddridge, Lewis, Braxton, Webster, Nicholas, Greenbrier, Fayette, Summers and Monroe counties.

The Federal Energy Regulatory Commission’s panel of commissioners will consider the commission staff’s recommendations and public comments when it decides on Mountain Valley’s proposal to change construction methods.

The trenchless crossings would require excavation of bore pits on each side, according to the environmental assessment, which notes that individual bore pits may be excavated to depths as shallow as 3 to 8 feet or as deep as 35 to 49 feet, depending in part on the topography next to the bore pit.

Mountain Valley would attempt to protect against slope failure resulting from the weight of spoil stockpiles by placing the stockpiles away from slopes and on flatter terrain, according to the assessment.

Angie Rosser, executive director of the West Virginia Rivers Coalition, said in an email Tuesday that the crossing methods merit “thorough analysis on a crossing-by-crossing basis.”

Natalie Cox, spokeswoman for the pipeline’s Canonsburg, Pennsylvania-based primary interest owner Equitrans Midstream Corp., hailed the commission staff’s environmental assessment Monday.

“The issuance of MVP’s EA was a significant step towards achieving full permitting and ultimate completion of this important infrastructure project,” Cox said in an email, noting the commission staff’s finding that Mountain Valley’s proposed trenchless crossings would lessen impacts on wetlands and waterbodies.

Monroe County resident and pipeline opponent Maury Johnson noted in an email Tuesday that he was still analyzing the assessment and that the commission staff’s analysis does not permit Mountain Valley to proceed with water crossing construction.

In addition to its pending construction method proposal, Mountain Valley is also awaiting decisions on water permit requests it has submitted to the West Virginia Department of Environmental Protection and the Virginia Department of Environmental Quality.

The West Virginia Department of Environmental Protection’s decision regarding its water quality certification is due Nov. 29. The Virginia Department of Environmental Quality’s decision is due Dec. 31.

Pipeline developers have proposed a 125-foot-wide temporary right-of-way to construct the pipeline and a 50-foot-wide permanent right-of-way to maintain and operate the pipeline once in service. Mountain Valley anticipates the project will temporarily impact more than 21,000 linear

feet of streams and 10 acres of wetlands in West Virginia during the construction phase, and permanently impact more than 1,100 linear feet of streams and 2.2 acres of wetlands.

The U.S. Environmental Protection Agency recommended in May that the U.S. Army Corps of Engineers not issue a key water permit for the Mountain Valley Pipeline until it makes less environmentally damaging changes to the project.

The agency questioned in a May 27 letter to the Corps whether pipeline developers had done enough to avoid adverse water-crossing effects.

“[The] EPA is concerned that the applicant has not yet demonstrated that the discharges from the project, as proposed, will not cause or contribute to water quality standards exceedances or significant degradation of receiving waters,” agency wetlands branch chief Jeffrey Lapp wrote to Corps Huntington District regulatory branch chief Michael Hatten in the letter.

The May 27 letter was released in response to a Freedom of Information Act request by the Lewisburg-based environmental law firm Appalachian Mountain Advocates.

The Corps makes permit decisions for project applicants seeking approval under Section 404 of the Clean Water Act and enforces Section 404 permit provisions. The agency develops guidance in evaluating permit applications, also reviewing and commenting on applications.

There is no deadline for a ruling on a Section 404 permit for the pipeline, which has already had adverse impacts on West Virginia’s waters.

State environmental regulators proposed a consent order earlier this year requiring Mountain Valley to pay a \$303,000 fine for violating permits by failing to control erosion and sediment-laden water.

That penalty followed a \$266,000 fine from the same regulators in 2019 for similar erosion and water contamination issues. The Virginia Department of Environmental Quality fined Mountain Valley \$2.15 million that same year for water quality violations.

The North Carolina Department of Environmental Quality reissued a denial of a water quality permit for the planned Southgate extension of the project in April.

Legal challenges from environmentalist groups have stalled the project, including one that prompted Mountain Valley Pipeline LLC to abandon a blanket water permit issued by the U.S. Army Corps of Engineers and seek individual water permits.

The now-\$6.2 billion project was originally scheduled for completion by the end of 2018 at a cost of just \$3.5 billion. The project's targeted summer 2022 in-service date is based on receiving all water crossing approvals and the lifting of a remaining exclusion zone around Jefferson National Forest by the end of 2021.

Comments on the Federal Environmental Regulatory Commission staff's environmental assessment are due Sept. 13, and commission staff are available to assist with comments, which may be submitted electronically or by mail, at 866-208-3676 or FercOnlineSupport@ferc.gov.