

No. \_\_\_\_\_

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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MOUNTAIN VALLEY PIPELINE, LLC,

*Petitioner,*

v.

STATE AIR POLLUTION CONTROL BOARD; KAJAL B. KAPUR, in her official capacity as Chair of the State Air Pollution Control Board; STACI H. RIJAL, in her official capacity as Vice-Chair of the State Air Pollution Control Board; GAIL MOORE, in her official capacity as a Member of the State Air Pollution Control Board; DR. LORNEL G. TOMPKINS, in her official capacity as a Member of the State Air Pollution Control Board; HOPE F. CUPIT, in her official capacity as a Member of the State Air Pollution Control Board; DR. JOSHUA G. BEHR, in his official capacity as a Member of the State Air Pollution Control Board; RICHARD LANGFORD, in his official capacity as a Member of the State Air Pollution Control Board; VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY; DAVID K. PAYLOR, in his official capacity as a Director of the Virginia Department of Environmental Quality, and ROBERT J. WELD, in his official capacity as a Regional Director of the Blue Ridge Regional Office of the Virginia Department of Environmental Quality,

*Respondents.*

**PETITION FOR REVIEW**

Pursuant to 15 U.S.C. § 717r(d)(1) and Fed. R. App. P. 15(a), Mountain Valley Pipeline, LLC (“MVP”) petitions this Court to review the Virginia State Air Pollution Control Board’s (“the Board”) December 3, 2021 denial of a minor new source review permit for MVP’s Lambert Compressor Station. In accordance with Local Rule 15(b), the Board’s denial decision is attached as Exhibit A. Jurisdiction of this appeal lies

with this Court because the facility covered by the permit is subject to Section 7 of the Natural Gas Act, 15 U.S.C. § 717f.

Pursuant to Local Rule 15(b), attached hereto is a list of Respondents specifically identifying the Respondents' names and addresses.

Respectfully submitted,

**/s/ Harry M. Johnson, III**

HARRY M. JOHNSON, III

GEORGE P. SIBLEY, III

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*Counsel for Mountain Valley Pipeline, LLC*

DATED: December 31, 2021

## LIST OF RESPONDENTS

Pursuant to Local Rule 15(b), Petitioner hereby provides a list of Respondents, specifically identifying the Respondents' names and the addresses where Respondents may be served with copies of the Petition for Review:

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

Richard Langford, Member  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Kajal B. Kapur, Chair  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Hope Cupit, Member  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Staci H. Rijal, Vice-Chair  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Gail Moore, Member  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Dr. Lornel G. Tompkins, Member  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Dr. Joshua Behr, Member  
State Air Pollution Control Board  
c/o Office of Regulatory Affairs  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Virginia Department of Environmental  
Quality  
P.O. Box 1105  
Richmond, VA 23218

David K. Paylor, Director  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Robert J. Weld, Director  
Blue Ridge Region  
Department of Environmental Quality  
901 Russell Drive  
Salem, Virginia 24153

# **Exhibit A**



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

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Ann F. Jennings David K. Paylor  
Secretary of Natural and Historic Resources Director  
(804) 698-4000

**STATE AIR POLLUTION CONTROL BOARD**

**DECISION MINOR NEW SOURCE REVIEW PERMIT FOR**

**MOUNTAIN VALLEY PIPELINE, LLC LAMBERT COMPRESSOR STATION (MVP),  
REGISTRATION NO. 21652**

The State Air Pollution Control Board, at its meeting on December 2-3, 2021, took the following action concerning the draft minor new source review permit for Mountain Valley Pipeline, LLC Lambert Compressor Station (MVP), Registration No. 21652:

**The Board, based on:**

- (i) the Board book material that contains a memorandum to the Board, a clean copy of the draft permit, a track change copy of the permit engineering analysis, a list of commenters and a sampling of all written comments received; and a summary of and response to public comments;
- (ii) the public comments made available to the Board;
- (iii) the agency files on the draft permit, including the application for a permit;
- (iv) public comments made at the Board meeting;
- (v) the staff presentations; and,
- (vi) Board discussions; and, further, based on consideration of the reasonableness of the activity involved and the permit proposed to control it pursuant to § 10.1-1307 E;

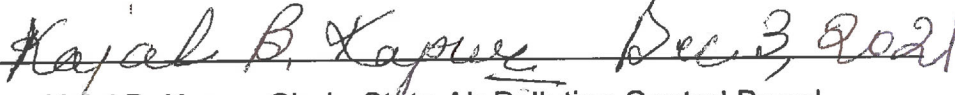
(1) **determined** that the community impacted by the facility is an environmental justice community;

(2) **determined** that the fair treatment requirements of the Virginia Environmental Justice Act have not been met; and

(3) **determined** that the site is not suitable in light of the requirements of the *Friends of Buckingham* decision, the Virginia Environmental Justice Act, and Virginia Code Section 10.1-1307.E.

Given these reasons, the Board is **varying** from the recommendation of the Department and **denying** the above referenced permit application.

The Board's determination is hereby in compliance with all applicable laws, and regulations, in particular, the authorities cited above.

Certified:  Dec 3 2021  
Kajal B. Kapur, Chair, State Air Pollution Control Board