

CERTIFICATION No. 17-002

401 Water Quality Certification Issued To

Atlantic Coast Pipeline, LLC  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Pursuant To Guidance Memo No. GM17-2003  
Interstate Natural Gas Infrastructure Projects -  
Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality  
Certification Pursuant to 33 USC § 1341 (“401” Certification)

I. CERTIFICATION

The State Water Control Board finds that, subject to the additional conditions set out in Section V below, there is reasonable assurance that the Atlantic Coast Pipeline, LLC activities covered by this Certification will be conducted in a manner that will not violate applicable Water Quality Standards in 9 VAC 25-260-5, *et seq.*, and will comply with the applicable provisions of 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317.

II. DEFINITIONS

The following terms as used in this Certification shall have the following meaning:

“Board” means State Water Control Board.

“Certification” means Clean Water Act Section 401 Water Quality Certification developed in accordance with Guidance Memo No. GM17-2003, Interstate Natural Gas Infrastructure Projects – Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality Certification Pursuant to 33 USC § 1341 (“401” Certification).

“Construction material or waste material” means solid waste as defined in the Solid Waste Management Regulations (9 VAC 20-81-10, *et seq.*).

“Corps” means U.S. Army Corps of Engineers.

“Department” means the Virginia Department of Environmental Quality.

“Environmental Impact Statement” means the environmental impact statement as prepared by the Federal Energy Regulatory Commission in compliance with the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA, 40 C.F.R §§ 1500-1508, and FERC regulations implementing NEPA, 18 C.F.R. §§ 380.1-380.16 for the projects proposed by Atlantic Coast Pipeline, LLC in Docket No. CP16-10-000.

“FERC” means the Federal Energy Regulatory Commission.

“Guidance” means Guidance Memo No. GM17-2003, Interstate Natural Gas Infrastructure Projects - Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality Certification Pursuant to 33 USC § 1341 (“401” Certification) dated May 19, 2017.

“Karst feature” means but is not limited to sinkholes, caverns and swallets.

“Owner” means Atlantic Coast Pipeline, LLC (Atlantic) a company formed by four major U.S. energy companies including Dominion Resources, Inc. (Dominion); Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas, Inc., Dominion Energy Transmission, Inc. has been contracted by Atlantic to construct and operate the project.

“Project” means an interstate natural gas transmission pipeline approximately 605-miles in length to transport up to 1.5 MMDth/d of natural gas from supply areas in the Appalachian region of West Virginia to demand areas in Virginia and North Carolina. In Virginia, the 42-inch pipeline will cross Highland, Bath, Augusta, Nelson, Buckingham, Cumberland, Prince Edward, Nottoway, Dinwiddie, Brunswick, and Greensville Counties, and include a compressor station and interconnection with existing pipelines in Buckingham County. A 20-inch lateral will run from a compressor station in Northampton County, North Carolina through Greensville and Southampton Counties and the Cities of Suffolk and Chesapeake, Virginia. Two short 16-inch laterals will serve electric generating facilities in Brunswick and Greensville Counties. Approximately 307 miles of pipeline traverse the Commonwealth of Virginia.

“Riparian buffer” means a vegetated area near a stream, usually forested, which helps shade and partially protect a stream from the impact of adjacent land uses.

### III. SCOPE OF CERTIFICATION

This Certification applies to Project activities in upland areas outside of the Corps jurisdictional areas under 33 U.S.C. § 1344 which may result in an indirect discharge to waters of the United States or water withdrawal activities that are exempt from coverage under the Virginia Water Protection Permit Program Regulation (9 VAC 25-210-10, *et seq.*). These activities include all proposed upland land-disturbing activities associated with the construction, operation, maintenance, and repair of the pipeline, any components thereof or appurtenances thereto,

and related access roads and rights-of-way as well as certain project-related surface water withdrawals. This Certification covers all relevant upland Project activities within the route identified in the Environmental Impact Statement.

This Certification and the conditions contained in Section V are intended to apply to Project activities that are outside the jurisdictional scope of the Virginia Water Protection Permit Program Regulation, and accordingly should not be interpreted as limiting any conditions imposed pursuant to the Virginia Water Protection Permit Program Regulation or any permit issued by the Corps for any portion of the Project. The Department's 401 Water Quality Certification for the Corp's Nationwide Permit 12 issued April 7, 2017 and this additional Certification issued pursuant to Guidance Memo No. GM17-2003, Interstate Natural Gas Infrastructure Projects – Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality Certification Pursuant to 33 USC § 1341 ("401" Certification) together constitute the Commonwealth of Virginia's 401 Certification for the Project.

The Board reserves the right to impose further conditions if any existing plans and/or mitigation measures are amended by the Owner and/or FERC that may reduce the water quality protection provided thereunder.

#### IV. INFORMATION EXAMINED

In developing this Certification and the additional conditions imposed herein, the Board and Department have considered the record relevant to water quality considerations associated with the Project, including but not limited to:

1. Draft Environmental Impact Statement issued by FERC and the associated docket materials including all Appendices to the Final Environmental Impact Statement;
2. The Department's initial Request for Information (RFI) dated May 19, 2017 in accordance with the Guidance, the Department's subsequent June 15, 2017 RFI and the Owner's June 1, 2017, June 23, 2017, and June 27, 2017 responses;
3. Proceedings of the multi-agency technical work session held June 6-7, 2017 (Lexington, Virginia);
4. Documents submitted pursuant to requirements of the Stormwater Management Act (Va. Code § 62.1-44.15:24, *et seq.*) and Erosion and Sediment Control Law (Va. Code § 62.1-44.15:51, *et seq.*);
5. Corps Nationwide Permit 12 and Norfolk District Regional Conditions; and
6. Guidance Memo No. GM17-2003, Interstate Natural Gas Infrastructure Projects- Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality Certification Pursuant to 33 USC § 1341 ("401" Certification).

#### V. CONDITIONS

In consideration of the recommendations of the Department, the Board finds that there are additional reasonable and prudent conditions that will provide the Commonwealth with an increased degree of assurance that upland Project activities which may result in a discharge to surface waters will be conducted in a manner that is protective of water quality. This Certification is only valid provided the Owner complies with the following conditions, limitations, and/or requirements:

1. The Owner shall follow the measures detailed in its June 1, 2017, June 23, 2017, and June 27, 2017 responses to the Department's May 19, 2017 and June 15, 2017 Requests for Information. These measures are expressly incorporated herein and shall be enforceable conditions of this Certification.
2. Riparian Buffer Requirements
  - a) Removal of riparian buffers not directly associated with the Project construction activities is prohibited. Disturbance and removal of riparian buffers from Project-related upland land disturbing activities that would occur within 50 feet of any perennial, intermittent, or ephemeral surface waters shall be avoided where possible, and minimized to the maximum extent practicable if 50 feet is not possible. Removal of riparian buffers not associated with crossings shall not be allowed where stream bank stability under normal flow conditions would be compromised.
  - b) The construction limit of disturbance (LOD) in upland areas approaching waterbody and wetland crossings shall be reduced from 125 feet to 75 feet and extended 50 feet from each side of the stream or wetland crossing as an additional upland buffer. For any upland area approaching a waterbody or wetland crossing where this reduced LOD is not possible, a written justification shall be provided to the Department for review and approval prior to initiating land disturbing activity in that area.
  - c) A 100 foot riparian buffer shall be maintained between any perennial, intermittent, or ephemeral surface waters and all fueling, maintenance, parking and hazardous material storage activities.

These measures are expressly incorporated herein and shall be enforceable conditions of this Certification.

3. Karst Terrain Requirements
  - a) The Karst Survey Report (February 21, 2017) shall be revised and submitted to the Department should there be any changes in final pipeline alignments necessitating additional field survey activities. The revised Karst Survey Report shall be submitted

to the Department for review and approval prior to initiation of land disturbing activities in those areas.

- b) The Owner shall follow the measures as detailed in the Karst Terrain Assessment, Construction, Monitoring and Mitigation Plan (January 20, 2017). These measures are expressly incorporated herein and shall be enforceable conditions of this Certification.
- c) To further evaluate flow paths for karst features in the vicinity of the project, the Owner shall develop a Karst Dye Tracing Plan to be submitted and approved by the Department. The Karst Dye Tracing Plan shall evaluate dye trace studies to determine hydrological connections and relationships associated with karst features. The Karst Dye Tracing Plan shall at a minimum, evaluate the features identified in Attachment B of the Department's June 15, 2017 request letter. These include any such features in the construction right-of-way and all other disturbed areas, including access roads and staging areas, as identified by the Karst Survey Report. Any dye trace studies proposed in the approved Karst Dye Tracing Plan shall be completed prior to initiation of land disturbing activities in karst terrain. The Plan is expressly incorporated herein and shall be an enforceable condition of this Certification.

#### 4. Surface Water Withdrawals

- a) Any surface water withdrawals for the purposes of hydrostatic testing shall not violate applicable Water Quality Standards and shall be managed so that no more than 10% of the instantaneous flow rate from the channel is removed; the intake screens shall be designed so that screen openings are not larger than 1 millimeter and the screen face intake velocities are not greater than 0.25 feet per second.
- b) Any surface water withdrawals for the purposes of horizontal directional drilling or dust control shall not violate applicable Water Quality Standards and shall be managed so that no more than 10% of the instantaneous flow rate from the channel is removed, the intake screens shall be designed so that screen openings are not larger than 1 millimeter and the screen face intake velocities are not greater than 0.25 feet per second.
- c) Daily withdrawals from horizontal directional drilling or dust control activities shall not exceed 10,000 gallons per day from non-tidal waters and 2 million gallons from tidal waters per day. Any daily withdrawals greater than noted above shall comply with the requirements of the Virginia Water Protection Permit Program Regulation. The Owner shall record and track the daily volumes of water withdrawn for horizontal directional drilling or dust control activities and make such records available during inspection or upon request by the Department.

- d) Hydrostatic test water shall be released to upland areas through an energy dissipating dewatering device. The energy dissipating dewatering devices will be sized to accommodate the rate and volume of release and be monitored and regulated to prevent erosion and over pumping of the energy dissipating dewatering devices. There shall be no point source discharge of hydrostatic test water to surface waters. The upland discharge of hydrostatic test waters shall be monitored in accordance with the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9 VAC 25-120-10, *et seq.*). The Owner shall record and track the daily volumes of water withdrawn for hydrostatic testing activities and make such records available during inspection or upon request by the Department.

These measures are expressly incorporated herein and shall be enforceable conditions of this Certification.

5. The Owner shall implement water quality monitoring in accordance with the Virginia Water Quality Monitoring Plan (June 2017 and additional information submitted June 23, 2017 and June 27, 2017). The Plan is expressly incorporated herein and shall be an enforceable condition of this Certification.
6. The Owner shall follow the measures intended to minimize the potential for impacts as detailed in the Spill Prevention, Control, and Countermeasure (SPCC) Plan Rev 2 (June 21, 2017). The Plan is expressly incorporated herein and shall be an enforceable condition of this Certification.
7. All construction and installation associated with the Project, except as permitted by the Corps, shall be accomplished in such a manner that construction material or waste material shall not be placed into any perennial, intermittent, or ephemeral surface waters or karst features. These measures are expressly incorporated herein and shall be enforceable conditions of this Certification.
8. The Owner shall follow the measures intended to minimize the potential for impacts as detailed in the Blasting Plan Rev 3 (November 1, 2016) and the Steep Slopes and Slide Prone Areas (June 23, 2017 and June 27, 2017). These measures are expressly incorporated herein and shall be enforceable conditions of this Certification. The Owner shall notify the Department immediately, but no later than 24 hours after discovery, if blasting or landslide activity impacts any perennial, intermittent, or ephemeral surface waters or karst features.
9. The Owner shall follow the measures intended to minimize the potential for impacts as detailed in the Plan to Protect Water Quality from Acid Forming Materials (June 23, 2017 and June 27, 2017). These measures are expressly incorporated herein and shall be an enforceable condition of this Certification.

10. The Temporary Construction Site (CY GWNF-6 Spr 04-A) located near the Town of Deerfield above the losing portion of Hamilton Branch shall maintain a vegetative buffer of 400 feet from Rt. 629 and follow the procedures for a Restricted Refueling Area as detailed in the SPCC Plan Section 5.0. These measures are expressly incorporated herein and shall be an enforceable condition of this Certification.
11. The Project, including all relevant records, is subject to inspection at reasonable hours and intervals by the Department or any authorized representative of the Department to determine compliance with this Certification.
12. The Department shall be provided written or electronic notification at least 30 calendar days prior to any planned Construction Spread pre-construction conferences and worker environmental training.
13. The Owner shall immediately notify the Department of any modification of this Project and shall demonstrate in a written statement that said modifications will not violate any conditions listed in this Certification. If such demonstration cannot be made, the Owner shall apply for a modification of this Certification. These measures are expressly incorporated herein and shall be an enforceable condition of this Certification.
14. This Certification is subject to revocation for failure to comply with the above conditions and after proper hearing. Any direct or indirect discharge to State waters shall be subject to enforcement review under the State Water Control Law.
15. The terms and conditions of this Certificate shall remain in effect until 180 days after all land disturbing activity associated with the construction, operation, maintenance, and repair of the pipeline, and related access roads and rights-of-way have achieved final stabilization as required by the Erosion and Sediment Control Law (Va. Code § 62.1-44.15:51, *et seq.*)

## VII. CONCLUSION

This Certification constitutes the Commonwealth's final decision on the Project under the requirement of Clean Water Act § 401. The provisions of this Certification are severable and should any provision(s) of this Certification be declared invalid or unenforceable, the remainder of the Certification, including without limitation any additional conditions imposed hereunder, shall continue in full force and effect. The Commonwealth reserves its right to review this certification decision and take any appropriate action in accordance with 33 U.S.C. § 1341(a)(3).

By: \_\_\_\_\_

Date: \_\_\_\_\_