



## Frequently Asked Questions about the Mountain Valley and Atlantic Coast pipelines

### **What is the subject of the public comment period?**

DEQ is seeking comments on the proposed additional Section 401 Water Quality Certifications for activities in upland areas outside the U.S. Army Corps of Engineers' jurisdictional areas along the proposed Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP). Only comments related to the conditions being proposed in the 401 Water Quality Certification for ACP or MVP will be considered. Comments on erosion and sediment control plans, stormwater plans, the Corps Nationwide 12 permit, or the environmental impact statements will not be considered as part of this action's record.

### **Why is DEQ proposing an Individual Certificate for each of the pipeline projects?**

DEQ is taking measures to protect Virginia's environment, including our rivers and streams, during all types of activities related to construction of the proposed pipelines. The agency is proposing the additional conditions in the 401 certificate in upland areas to address concerns raised during the environmental impact review and by the public. Additional conditions address karst protection, unregulated surface water withdrawal, exceptional waters, water quality monitoring and activity on steep slopes and in slide-prone areas to protect areas during and after construction activities. These conditions provide additional protections not already addressed by other regulations/requirements. For more information, see the [presentation](#) to State Water Control Board on July 19, 2017.

### **Why is the 401 certification process different from erosion & sediment control (ESC) and stormwater management (SWM)?**

Both programs are aimed at protecting water quality, but they are separate regulatory processes. DEQ believes both must be in place to protect water quality.

Erosion and sediment control and stormwater management is established law that addresses land disturbances (Virginia Code § 62.1 – 44.15:31). The proposed certification will address situations not covered by other regulations and requirements.

### **What pipeline topics are not being considered at the public hearings or during the public comment period?**

- Topics related to pipeline construction that fall under separate DEQ or federal programs and regulations will not be considered during this public comment period related to Virginia's 401 Water Quality Certifications.
- Such topics that will not be considered include the Corps Nationwide 12 permit, which addresses temporary impacts to wetlands and streams; erosion and sediment control and stormwater management, which are Virginia programs covered by separate regulations.

- It also is important to note that DEQ has directed ACP and MVP to post their site-specific plans for meeting the erosion and sediment control and stormwater management requirements so the public will have an opportunity to review them.

### **How were the number of public hearings and the locations decided?**

- DEQ typically holds one hearing on projects during the public comment period, but due to the size and scope of these projects, additional hearings are being held to help ensure that those who wish to make oral comments will be able to do so without traveling more than 60 miles.
- Some of the factors taken into consideration when securing venues were the capacity and suitability of the venue, average travel distances, availability of State Water Control Board members to officiate at the hearings, and agency resources.
- Citizens can provide comments to DEQ in writing through 11:59 p.m. on August 22, 2017.

### **How long is the comment period?**

- The comment period is 50 days, 20 days longer than required by the State Water Control Board's Procedural Rule No. 1 (9VAC25-230-130B).
- Comments can be made in person at the public hearings or provided in writing to DEQ through 11:59 p.m. on August 22, 2017.

### **Where can I get additional information on the proposed pipelines?**

The agency has set up an extensive website with detailed information with a link from its home page, [www.deq.virginia.gov](http://www.deq.virginia.gov). DEQ will update the site as new materials are received and information is developed. People can subscribe to DEQcast, the agency's [news feed](#) to receive updates via email.

### **Why are the hearings being held now?**

- The [hearings](#) are scheduled in August following the availability of the proposed certification for public review. The hearings are provided as one means to give people an opportunity to comment on the proposed certifications.
- Hearings are held during the written comment period, which extends through 11:59 p.m. on August 22, 2017.

### **How do I comment on the proposed Section 401 Water Quality certifications?**

- There are a number of ways to comment by the 11:59 p.m., August 22, 2017, deadline, as described below. Comments are given the same consideration by the board whether they are made in writing or given orally.
- Hand-deliver your comments to DEQ, Office of Wetlands & Stream Protection, 629 East Main St., Richmond, VA 23219 during business hours 8:15 a.m. to 5 p.m.

- Mail your comments to DEQ, Office of Wetlands & Stream Protection, P.O. Box 1105, Richmond, VA 23218.
- Email your comments. For the Atlantic Coast Pipeline project the email address is [comment-acp@deq.virginia.gov](mailto:comment-acp@deq.virginia.gov). For the Mountain Valley Pipeline project the email address is [comment-mvp@deq.virginia.gov](mailto:comment-mvp@deq.virginia.gov).
- Make an oral comment or submit written comments at one of the scheduled public hearings.

### **What do I need to know/do to speak at a public hearing?**

- On the day of the hearing, persons wishing to make oral comments will need to sign in at the registration table, where they will receive a speaker number.
- Each speaker will be asked to state his/her name and mailing address.
- An allotment of up to 3 minutes is typical for each speaker, but the time allowed will be determined by the hearing officer at the start of each hearing based on the number of people registered to make oral comments.
- The end time of each scheduled hearing is 10 p.m.
- Courteous and respectful behavior is expected from all attendees.
- To be considered, comments should be related to the merits or issues related to the conditions in the proposed certification document.

### **What do I need to know to submit written comments?**

- When providing written comments, the person commenting must include his/her name and mailing address, and if representing a group of people, the person commenting must also include the names, mailing addresses, and telephone numbers of the persons being represented (such as an organization's members).
- Hand-deliver your comments to DEQ, Office of Wetlands & Stream Protection, 629 East Main St., Richmond, VA 23219 during business hours from 8:15 a.m. to 5 p.m.
- Mail your comments to DEQ, Office of Wetlands & Stream Protection, P.O. Box 1105, Richmond, VA 23218.
- Email your comments by 11:59 p.m., August 22, 2017. For the Atlantic Coast Pipeline project, the email address is [comment-acp@deq.virginia.gov](mailto:comment-acp@deq.virginia.gov). For the Mountain Valley Pipeline project, the email address is [comment-mvp@deq.virginia.gov](mailto:comment-mvp@deq.virginia.gov).
- Deliver written comments at one of the scheduled public hearings.
- To be considered, comments should be related to the merits or issues contained in the proposed certification document.

### **What happens after the public comment period?**

- DEQ staff will summarize all oral comments and written comments received during the public hearings and all written comments received during the public comment period.
- The agency will provide this summary and responses to comments on the certificates to the State Water Control Board before its fall meeting.
- Only persons who have submitted written or oral comments during the public comment period may respond to the public comment summary provided to the State Water Control Board in accordance with the Board's Policy on Public Comment at State Water Control Board Meetings.

Note: no new information or comments can be made at that meeting. The board's comment policy is available at:

[www.deq.virginia.gov/Portals/0/DEQ/LawsAndRegulations/CitizenBoards/WaterBoard/WaterPublicCommentPolicyAtBoardMeetingsfinal2192009.pdf](http://www.deq.virginia.gov/Portals/0/DEQ/LawsAndRegulations/CitizenBoards/WaterBoard/WaterPublicCommentPolicyAtBoardMeetingsfinal2192009.pdf). Consideration of the draft 401 Water Quality Certifications for the pipelines falls under the category of case decision.

For additional information, please see, *Tips on Making Effective Public Comments* found at [www.deq.virginia.gov/Portals/0/DEQ/Resources/Factsheets/GetTheFacts-PublicCommentsGuide.pdf](http://www.deq.virginia.gov/Portals/0/DEQ/Resources/Factsheets/GetTheFacts-PublicCommentsGuide.pdf)