

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (Agreement) is made as of this [INSERT DAY] day of [INSERT MONTH, YEAR] between the VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) and [INSERT NAME OF COUNTY/CITY] (Locality).

WHEREAS, to ensure the protection of water quality and the environment, the Code of Virginia clearly grants authority to DEQ to administer and enforce the Erosion and Sediment Control Law (Code of Virginia §§ 62.1-44.15:51 *et seq.*) and the Stormwater Management Act (Code of Virginia §§ 62.1-44.15:24 *et seq.*) for linear projects constructed subject to approved standards and specifications;

WHEREAS, the proposed Atlantic Coast Pipeline (ACP) interstate natural gas transmission project will transect [INSERT NAME OF COUNTY/CITY] and will be constructed under standards and specifications approved by DEQ;

WHEREAS, due to the size, length and geographic scope of the proposed ACP project, in addition to approval of standards and specifications, DEQ is requiring individual site-specific erosion and sediment control and stormwater plans for construction activities to be submitted for review and approval;

WHEREAS, due to citizen interest in the ACP project, DEQ is requiring the individual site-specific erosion and sediment control and stormwater plans to be posted on the ACP's project's website for public view;

WHEREAS, pursuant to its authority to administer the enforcement of the Erosion and Sediment Control Law (Code of Virginia §§ 62.1-44.15:51 *et seq.*) and the Stormwater Management Act (Code of Virginia §§ 62.1-44.15:24 *et seq.*) for linear projects constructed under approved standards and specifications, DEQ will conduct compliance and inspection activities for construction in Virginia related to the proposed ACP project;

WHEREAS, the Locality has expertise in erosion and sediment control and stormwater management, and an interest in protecting water quality and the environment in [INSERT NAME OF COUNTY/CITY];

WHEREAS, in the spirit of working together, DEQ has agreed to offer the Locality an opportunity to review and comment on the site-specific erosion and sediment control and stormwater plans for construction activities in the Locality related to the proposed ACP project;

WHEREAS, DEQ has also agreed to offer the Locality an opportunity as practicable, to accompany DEQ on regular compliance and inspection site visits, and emergency or complaint-based compliance and inspection site visits, to construction sites in the Locality related to the proposed ACP;

NOW, therefore, DEQ and the Locality agree as follows:

1. Comments on Individual Site-Specific Plans. DEQ will receive and consider comments from the Locality for individual project-specific plans that include proposed construction activity

related to the proposed ACP project in the Locality. These plans are available for review on DEQ's website. The Locality agrees to provide any comments to DEQ no later than October 13, 2017. Comments may be delivered in hard copy or electronically to:

Hannah Zegler (804) 698-4206  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond Virginia 23218  
[Hannah.zegler@deq.virginia.gov](mailto:Hannah.zegler@deq.virginia.gov)

This paragraph does not create an obligation for the Locality to provide comments to any individual project-specific plan related to the proposed ACP. Nothing in this paragraph shall be construed to convey to the Locality any of DEQ's exclusive authority to administer the Erosion and Sediment Control Law (Code of Virginia §§ 62.1-44.15:51 *et seq.*) and the Stormwater Management Act (Code of Virginia §§ 62.1-44.15:24 *et seq.*) for linear projects constructed under approved standards and specifications.

2. Compliance and Inspection Site Visits. The Locality designates [INSERT NAME] to serve as the Locality Inspection Contact (Contact) for the purposes of receiving notification on behalf of the Locality for the compliance and inspection activities described in this Agreement. To the extent practicable, DEQ will notify the Contact at least two (2) business days in advance of planned compliance and inspection site visits to construction sites related to the proposed ACP project in the Locality as well as any unplanned site visits (such as emergency or complaint-based inspections) to construction sites related to the proposed ACP in the Locality. Notification of compliance and inspection site visits shall be made by telephone or email to the Contact as set forth below:

[INSERT NAME]  
[INSERT TELEPHONE]  
[INSERT EMAIL ADDRESS]

Once notified, if the Locality intends on accompanying DEQ on a site visit, the Locality shall contact DEQ at the following to coordinate information and logistics:

Jerome Brooks (804) 698-4403  
Water Compliance Manager  
[Jerome.brooks@deq.virginia.gov](mailto:Jerome.brooks@deq.virginia.gov)

During any such site visits, the Locality, DEQ, and their respective employees and agents agree to comply with all applicable safety requirements relating to the proposed ACP project. With respect to the Locality, the scope of any site visit inspections shall be limited solely to erosion and sediment control and stormwater management. This paragraph does not create an obligation for the Locality to accompany DEQ on any inspection or compliance site visit related to the proposed ACP project. Nothing in this paragraph shall be construed to convey to the Locality any of DEQ's exclusive authority to administer the enforcement of the Erosion and Sediment Control Law (Code of Virginia §§ 62.1-44.15:51 *et seq.*) and the Stormwater Management Act

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(Code of Virginia §§ 62.1-44.15:24 *et seq.*) for linear projects constructed under approved standards and specifications.

3. Effective Date and Termination. This Agreement shall be effective upon its execution by both DEQ and the Locality and on the date specified below. This Agreement shall terminate thirty (30) days after the final permanent stabilization of all of the proposed ACP project's construction sites in the Locality. At any time, the Locality may notify DEQ that it no longer intends to participate in this Agreement and it will terminate upon written notice by the Locality. Such notice shall be provided to:

Melanie D. Davenport (804) 698-4038  
Director, Water Permitting Division  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond Virginia 23218  
[Melanie.davenport@deq.virginia.gov](mailto:Melanie.davenport@deq.virginia.gov)

Witness the following duly authorized signatures:

**Virginia Department of Environmental Quality**

By: \_\_\_\_\_  
David K. Paylor  
Title: \_\_\_\_\_  
Director  
Date: \_\_\_\_\_

**[INSERT NAME OF COUNTY/CITY]**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_