

# **REVIEW AND REGULATION OF NATURAL GAS TRANSMISSION PIPELINES**

**JULY 19, 2017**

**DEQ**

**MELANIE D. DAVENPORT**

**DIRECTOR, WATER PERMITTING DIVISION**

- Construction of new interstate natural gas transmission pipelines regulated by Federal Energy Regulatory Commission (FERC)
- Developer applies to FERC for a Certificate of Public Convenience and Necessity
- As part of its review process, FERC prepares an Environmental Impact Statement (or Environmental Assessment)
- Section 401 of the Clean Water Act requires applicants for a federal license or permit to provide a state water quality certification that any discharge will comply with state water quality standards.
- Currently two very large proposed projects crossing Virginia
  - Atlantic Coast Pipeline (ACP)
  - Mountain Valley Pipeline (MVP)

# **Atlantic Coast Pipeline, LLC**

- Approximately 307 miles
- Construction through Counties of Highland, Bath, Augusta, Nelson, Buckingham, Cumberland, Prince Edward, Nottoway, Dinwiddie, Brunswick, Greenville and Southampton
- Cities of Suffolk and Chesapeake
- Dominion Resources, Duke Energy Corporation, Piedmont Natural Gas Co., Inc. and Southern Company Gas, Inc.

# Mountain Valley Pipeline, LLC

- Approximately 106 miles
- Construction through Counties of Giles, Craig, Montgomery, Roanoke, Franklin and Pittsylvania
- EQT Midstream Partners, LP, affiliates of NextEra US Gas Assets LLC, Con Edison Gas Midstream, LLC, WGL Midstream and RGC Midstream, LLC

# Timeline

- FERC Filing for Certificate of Public Convenience and Necessity
  - Mountain Valley Pipeline – October 2015
  - Atlantic Coast Pipeline – March 2016
- Draft Environment Impact Statement (EIS)
  - Mountain Valley Pipeline – September 16, 2016
  - Atlantic Coast Pipeline – December 30, 2016
- Initial Submittal of Annual Standards and Specification (Erosion and Sediment Control and Stormwater Management)
  - Mountain Valley Pipeline – February 15, 2016
  - Atlantic Coast Pipeline – February 29, 2016
- Final EIS
  - Mountain Valley Pipeline – June 23, 2017
  - Atlantic Coast Pipeline – Expected July 21, 2017
- Final Submittal of Approvable Annual Standards and Specifications
  - Mountain Valley Pipeline – June 20, 2017
  - Atlantic Coast Pipeline – June 29, 2017

# Five Major Areas of DEQ Review

1. FERC Environmental Review - DEQ comments and other Virginia natural resource agencies
2. Wetland and Stream crossings covered under US Army Corps of Engineers Nationwide Permit 12 (NWP12)
3. Requirements of Virginia Erosion and Sediment Control and Stormwater Management laws and regulations
4. Additional conditions related to upland activities in Section 401 certification
5. Related in-stream biological and water quality monitoring

**FERC  
ENVIRONMENTAL  
REVIEW**

# FERC Environmental Review

- DEQ comments on draft EIS for MVP – December 22, 2016
- DEQ comments on draft EIS for ACP – April 6, 2017
- Allowed initial review of projects and comments provided focus on areas of concern
- Factored into subsequent regulatory evaluations

# **WETLAND AND STREAM CROSSINGS**

# Clean Water Act Section 404 Permit Virginia Water Protection Program

- 404 permits are required before activity that disturbs a wetland or stream by clearing, filling, excavating, drainage or ditching.
- Virginia Water Protection Permit Program – State nontidal wetlands law and regulation
- Parallel permitting programs
  - Streamlined coordination and permitting-VWP permits serves as 401 certification for 404
  - VWP regulation provides process for providing 401 Certification for Corps Nationwide Permits
  - General Permits
    - Corps – 52
    - DEQ - 4

- VWP General Permit WP2 – For facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Commission or the State Corporation Commission and Other Utility Line Activities
  
- NWP 12 – authorizes activities related to construction, maintenance, repair and removal of utility lines provided activity does not result in loss of more than 1/2 acre of waters of the US
  - No change in pre-construction waters of US
  - Authorizes construction of related access roads
  - Each crossing is a single and complete project
  - General condition 12 requires appropriate soil erosion and sediment controls must be used and maintained during construction

- General condition 18 – no activity is authorized which jeopardize threatened or endangered species or adversely modify critical habitat – ESA Section 7 consultation
  
- Norfolk District Corps has numerous Regional Conditions
  - Imposes time of year restrictions for work in wild trout waters (DGIF)
  - Countersinking requirements for pipes and culverts (non-tidal waters)
  - Time of year restrictions for open cut trenching and water withdrawals for hydrostatic testing related to anadromous fish area
  - If HDD to be utilized, a plan to address prevention, containment and cleanup of sediment/materials caused by inadvertent return of drilling fluids

# **Virginia Erosion and Sediment Control and Stormwater Management Programs**

# Erosion and Sediment Control and Post Construction Stormwater Management

- Programs generally administered by local governments
  
- Virginia Code § 62.1 – 44.15:31  
“[I]nterstate and intrastate natural gas pipeline companies...shall...annually submit a single set of standards and specifications for Department approval that describes how land-disturbing activities shall be conducted.”
  
- Standards and specifications shall include
  - technical criteria to meet ESC and SWM regulatory requirements
  - Provisions for ESC and SWM program administration, plan design, review and approval and construction inspection and enforcement
  - Project tracking and notification to DEQ
  - Responsible personnel and contractors have certifications/qualifications for ESC and SWM comparable to those required for local government
  - Requirements for documenting onsite changes – ensure compliance with ESC and SWM

# Enhancements to Annual Standards and Specifications

- May 16, 2016 Letters to ACP and MVP
- In addition to internal review process an individual project – specific plan must be submitted to DEQ for review and approval
- Plans, DEQ approval, and supporting documents must be posted on pipeline developer’s website for public view
- Inspection reports/complaint logs and complaint responses must be submitted to DEQ
- Developers will be required to cover DEQ costs related to additional technical expertise needed for project specific plan review and compliance activities

# Public Availability of Erosion and Sediment Control and Stormwater Management Plans

- Final Annual Standards and Specifications posted to DEQ Website
- Link to plan sheets on DEQ Website
- Offering Memorandum of Agreement with affected localities
  - Plan review and comments
  - Notice of inspections/opportunity to accompany DEQ

# **Mountain Valley Pipeline Annual Standards and Specifications**

- February 15, 2016 – Initial Submittal to DEQ
- Multiple calls, meetings (9) and submittals (5)
- June 6, 2017 – Final Submittal to DEQ

# **Atlantic Coast Pipeline Annual Standards and Specifications**

- February 29, 2016 – Initial Submittal to DEQ
- Multiple calls, meetings (10) and submittals (5)
- June 29, 2017 – Final Submittal to DEQ

# Project Specific Plans

- Cover every foot of land disturbance related to each project
- Right-of-way, access roads, construction lay down yards, stream crossings
- Must comply with erosion and sediment control regulations and post-construction stormwater quality and quantity requirements
- Outside engineering firm under State contract - approximately \$2.2 million
- DEQ ultimately approves the plans

## **Intersection Between NWP12 and Virginia Erosion and Sediment Control Requirements**

- NWP12 General Condition – Appropriate soil erosion and sediment controls must be used and maintained during construction
- ESC Regulation specifies 19 minimum control measures – four measures address construction activity in a “live watercourse” and post construction stabilization of bed and banks of a stream
- NWP12 prohibits any change in pre-construction contour of waters of the US

# **Additional Water Quality Conditions**

# **Additional 401/Water Quality Conditions**

- Provides additional protections/conditions for activity in upland areas not already addressed by other regulations/requirements
- Notified FERC by letter dated June 29, 2017 of additional water quality conditions and process
- July 3, 2017 – First publication of proposed additional water quality conditions

# Why Develop Additional 401 Conditions?

- Numerous citizen concerns, issues have been raised
- Evaluated Scope of previous reviews – FERC, Environmental Impact Statement, NWP12, Annual Standards and Specifications (ESC and SWM)
- Realized additional protections are in best interest of water quality

# Issues Covered (Summary)

- Karst protections (June 8, 2017 Karst Workshop)
- Riparian buffer protections
- Unregulated surface water withdrawals and upland release of hydrostatic testing water
- Water Quality Monitoring
- Measures to minimize impacts from blasting and activities in steep slopes and slide prone areas
- Numerous additional reporting and notification requirements

# Public Comment and Hearings

## ACP Hearings

- August 7, 2017 – James Madison University
- August 10, 2017 – Longwood University
- August 14, 2017 – Dinwiddie High School

## MVP Hearings

- August 8, 2017 – Radford University
- August 9, 2017 – Chatham High School

Written comments can be submitted until August 22, 2017

# **DEQ Water Quality Monitoring**

# Water Quality Monitoring

- DEQ currently developing a water quality monitoring plan
- Before, during and after construction
- Biological and water column monitoring



**QUESTIONS?**

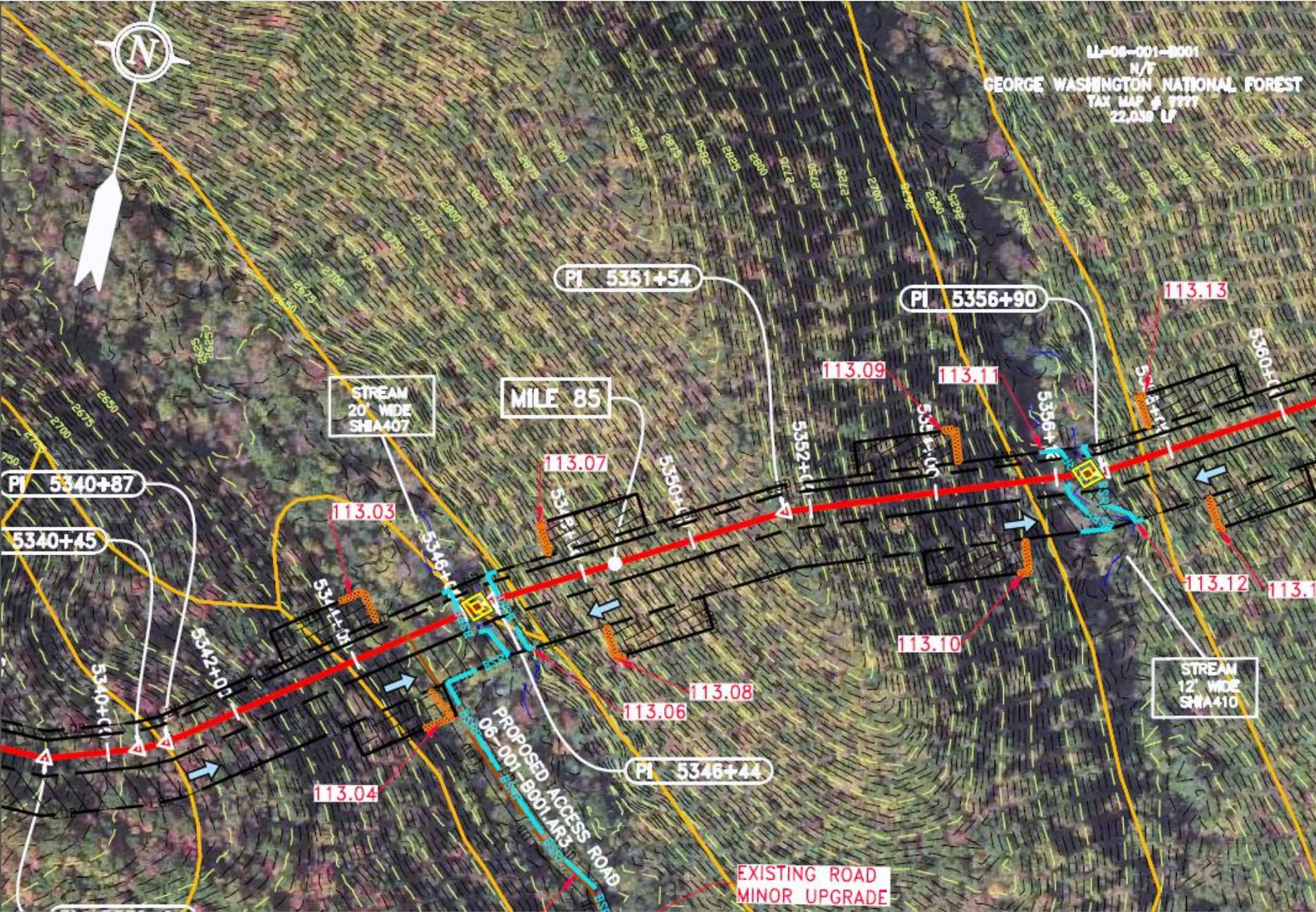
LL-06-001-0001

N/T

GEORGE WASHINGTON NATIONAL FOREST

TAX MAP # 9999

22.030 LF



PI 5351+54

PI 5356+90

113.13

STREAM  
20' WIDE  
SHA407

MILE 85

113.09

113.11

PI 5340+87

5340+45

113.03

113.07

113.12

113.14

STREAM  
12' WIDE  
SHA410

113.10

113.08

113.06

PI 5346+44

113.04

PROPOSED ACCESS ROAD  
06-001-B001 AR5

EXISTING ROAD  
MINOR UPGRADE

