



WEST VIRGINIA RIVERS

Comment to DEP on Environmental Impacts of the MVP

The West Virginia Department of Environmental Protection (WVDEP) has released for public comment the state permits needed for the Mountain Valley Pipeline (MVP). You can submit comments on the MVP permits through March 19, 2017. If you have questions, please contact Autumn Crowe, acrowe@wvrivers.org.

PERMITS AVAILABLE FOR PUBLIC COMMENT

1. **Oil and Gas Construction Stormwater General Permit (WVR310667):** For more info on this permit see our [Guide to Stormwater Permits](#). View the permit application on [WVDEP website](#).
2. **Natural Stream Preservation Act Permit (NSP-17-0001):** This permit is required for the Greenbrier River crossing. View the permit application on [WVDEP website](#).
3. **State 401 Water Quality Certification (WQC-16-0005):** For more info on this permit see our [401 Fact Sheet](#) and our [Guide to 401 Permits](#). View the permit application on [WVDEP website](#).

SUGGESTED COMMENTS

Stormwater Permit: MVP's application does not meet the permit requirements for the WV DEP Oil & Gas Construction Stormwater General Permit. WVDEP must request the following additional information:

- All streams receiving stormwater runoff must be identified in the application.
- Engineering calculations for sizing Best Management Practices (BMP's) are not provided so there is no evidence within the application that the Erosion & Sediment controls on the MVP pipeline and associated compressor stations were sized appropriately and to the standards of the *WV DEP Erosion and Sediment Control Manual*.
- Documentation on the limit of disturbance from access roads including proposed contours, cut and fill slopes, road dimensions, and roadside drainage features must be included in the permit.
- The Slip Mitigation Plan is not included with the E&S Control Plan. The Attachment 3 Slip Mitigation Plan is missing from the application.

Natural Stream Preservation Act: The WVDEP must have adequate information to certify that the Greenbrier River crossing will comply with State Code §22-13 which designates the Greenbrier River as a "protected stream," that "shall be administered for the use and enjoyment of the citizens of West Virginia in such manner as will leave them unimpaired for future use and enjoyment as free-flowing streams, and so as to provide for the protection and the preservation of these streams in their natural character."



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To comply with the **Natural Stream Preservation Act**:

- WVDEP must require a sedimentation and turbidity analysis for the Greenbrier River crossing to determine that the project will not impair the River.
- The restoration section must specify whether the company will use natural stream restoration techniques to stabilize the stream banks and preserve the River's natural character.
- The permit application must address impacts on recreational boating, fishing and swimming to determine that the project will not disrupt the River's use and enjoyment.
- A view-shed analysis must be completed to determine the construction's impact on the river's natural character.

401 Water Quality Certification: The 401 Water Quality Certification lacks critical information the WVDEP needs to certify that the project will be able to meet WV's Water Quality Standards. The WVDEP must deem the application incomplete and request the applicant to supply the following additional information:

- Final Route Survey – The 401 application cannot be deemed complete until the route is final and all water resources have been surveyed.
- Watershed-scale impacts analysis - MVP must provide information on the number of stream crossings for each watershed for WVDEP to analyze the cumulative impacts.
- Site-specific Waterbody Crossings and Restoration Plans – MVP only supplied a typical crossing plan. WVDEP must require site-specific crossing plans and restoration plans for each steam and wetland crossing.
- Minimize Trout Impacts – MVP plans to do construction in trout streams during spawning seasons. WVDEP must require MVP to adhere to construction windows and avoid unnecessary impacts to trout streams.
- Sediment and Turbidity Analysis – MVP would cross 5 source water protection areas for public water utilities. A sediment and turbidity analysis must be performed to conclude that the source water protection area crossings will not violate the State's water quality standards for turbidity.

SUBMIT COMMENTS TO WVDEP BY 8PM ON MARCH 19TH

1. By email with the permit number in the subject line: dep.comments@wv.gov or
2. By mail referencing the permit number in your letter:

Director, Division of Water and Management, DEP
ATTN: Sharon Mullins, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

Conserving and Restoring West Virginia's Exceptional Rivers and Streams

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