WEST VIRGINIA RIVERS

July 14, 2022

Federal Energy Regulatory Commission
888 First Street, NE,
Washington, DC 20426

Docket Nos. CP16-10-000, CP21-57-000, CP19-477-000

Federal Energy Regulatory Commission,

West Virginia Rivers Coalition (WV Rivers), on behalf our members, and the organizations signed below, respectfully submit the following comments to the Federal Energy Regulatory Commission (FERC) on the Mountain Valley Pipeline LLC's (MVP) request for an Extension of Time. WV Rivers requests that FERC deny MVP's request because the applicant has not demonstrated good cause for the extension.

Furthermore, FERC should not rely on the original findings of the 2017 Certificate nor the claims made by MVP and should instead review the project and any new, relevant information available in a Supplemental Environmental Impact Statement (SEIS). FERC's FEIS on MVP provided insufficient characterization of the aquatic resources impacted, insufficient assessment of secondary and cumulative impacts and potential for significant degradation, which in fact has already occurred as a result of the project.

Construction of the MVP has already resulted in violations of water quality standards. MVP's history of water quality standard violations and non-compliance with the requirements of their WV State Stormwater Construction permit warrants a SEIS. The impacts to aquatic resources have implications not only for the direct impacts, but also downstream waters. The direct, secondary, and cumulative impacts to these watersheds from the illegal discharges associated with this project have already resulted in significant degradation of the waters of the United States. Therefore, FERC must deny MVP's extension request and undertake a SEIS with consideration of the enclosed information.

**MVP's continues to degrade the Waters of the United States.**

MVP continues to cause detrimental impacts to waters of the U.S. Table 1 shows the consistent nature of MVP's impacts to streams and wetlands as documented by the WVDEP Environmental Enforcement Department and reported by Mountain Valley Pipeline

**Table 1. MVP Impacts to Waters of the U.S. in 2020-2021**

| Date | Document Type | Impact Description |
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| **Feb 10, 2020** | Emergency Response | Representative stated that significant rain event caused slope failure above wetland W-K12. At the time of |

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| | | inspection wetland W-K12 was being impacted with sediment laden water (SLW). The SLW was flowing through wetland W-K12 and entering stream S-K23.[1] |
| **Feb 12, 2020** | Emergency Investigation | An earthen slip occurred on ROW above an UT of Stout Run. A road slip left sediment and stone into the stream channel.[2] |
| **Apr 30, 2020** | Complaint Investigation | SLW was present downslope in Wetland W-C13 both within the MVP LOD and outside the MVP LOD. It appeared the SLW was entering Painters Run.[3] |
| **Aug 6, 2020** | Emergency Response | Sediment impacted Stream S-KP12[4] |
| **Nov 23, 2020** | Emergency Response | Approximately 1 cup of sediment bubbled up into stream during core drilling on stream bank.[5] |
| **Mar 25, 2021** | Self-Reported Incident RE#: 32-13206 | A localized rain event in the project area created a significant volume of water to flow onto an access road which caused sediment to enter two small order streams.[6] |
| **Jun 13, 2021** | Emergency Response | At stream crossing S-W13b flood waters scoured the bank downstream of three culverts. The scoured bank was about 2 foot high by 4 foot wide.[7] |
| **Aug 22, 2021** | Spill Report Hotline | Representative of MVP stated a significant rain event occurred over weekend while crews were working on steep slopes. Due to water bars being removed for equipment to travel downslope controls were overwhelmed with sediment and sediment laden water leading to impacts downslope in Lick Creek.[8] |

[1] 2020, February 10. West Virginia Department of Environmental Protection. Emergency Response. Spill Hotline Reference Number 13-99368 (A)

[2] 2020, February 12. West Virginia Department of Environmental Protection. Emergency Investigation.

[3] 2020, April 30. West Virginia Department of Environmental Protection. Complaint Investigation.

[4] 2020, August 6. West Virginia Department of Environmental Protection. Emergency Response. Spill Hotline Ref. No. 41-5906 (A)

[5] 2020, November 23. West Virginia Department of Environmental Protection. Emergency Response. Spill Hotline Ref. No. 45-11242 (A)

[6] 2021, March 25. Mountain Valley Pipeline. Self-Reported Incident RE#: 32-13206

[7] 2021, June 13. West Virginia Department of Environmental Protection. Emergency Response.

[8] 2021, August 22. West Virginia Department of Environmental Protection. Spill Hotline Ref. No. 45-17420 and 45-17425

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| **April 11, 2022** | Self-Reported Incident RE #: 13-25775 | Due to significant rainfalls, several flash flooding events occurred in the project area. As a result, an ECD failure occurred allowing a small amount of sediment to reach a delineated wetland near Springdale.[9] |
| **May 9, 2022** | Emergency Response | Sediment slip 1.3 cubic yards.[10] |
| **May 9, 2022** | Emergency Response | Sandbags washed out from the crossing.[11] |
| **May 11, 2022** | Emergency Investigation | The company had received approximately 4.2-inches of rain fell over a 36-hour period which led to the impact in UNT of Indian Creek.[12] |

While the above water resource impacts were not cited as violations of water quality standards. The impacts were similar in nature to what WVDEP categorized previously as violations of water quality standards detailed in Table 2.

**Table 2. Violations of Water Quality Standards Cited by WVDEP Inspectors**

| Date | Violation Number | Violated the following WV Legislative Rules (Requirements Governing Water Quality Standards)[13, 14]: |
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| May 9, 2018 | W18-52-001-CP | Title 47, Series 2, Section 3.2.b.-Section 3.2.b. - Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of the stream. |
| June 6, 2018 | W18-09-076-TJC | Title 47, Series 2, Section 3.2.a.- caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in UNT Meathouse Fork (39° 11.891' X 80° 33.209'). Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of UNT Dry Fork (39° 11.384' X 80° 33.554') |
| July 17, 2018 | W18-52-003-CP | Title 47, Series 2, Section 3.2.b.-Section 3.2.b. - Permittee has caused conditions not allowable in waters of the State by |

[9] 2022, April 11. Mountain Valley Pipeline. Self-Reported Incident RE #: 13-25775

[10] 2022, May 9. West Virginia Department of Environmental Protection. Emergency Response. HSEM Reference: 21-26330(A)

[11] 2022, May 9. West Virginia Department of Environmental Protection. Emergency Response HSEM Reference: 21-26311 (A)

[12] 2022, May 11. West Virginia Department of Environmental Protection. Inspection of Emergency Spill Hotline HSEM Reference: 21-26364 (A)

[13] 2019, April 19. West Virginia Department of Environmental Protection. Consent Order Issued Under the Water Pollution Control Act. Order Number 8951

[14] 2020, December 17. West Virginia Department of Environmental Protection. Consent Order Issued Under the Water Pollution Control Act. Order Number 9925

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| | | allowing sediment deposits on the bottom of UNT of Birch River (S-F34). |
| July 18, 2018 | W-18-52-004-CP | Title 47, Series 2, Section 3.2.b.-Section 3.2.b. - Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom and banks of UNT of Harmony Creek |
| July 27, 2018 | W18-17-077-TJC | Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of Grass Run (S-A11a). |
| Aug 1, 2018 | W18-17-082-TJC | Title 47, Series 2, Section 3.2.a.- caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Right Fork of Big Elk Creek (39° 26.6589' X 80° 28.9724'), Goose Run (39° 26.17952' X 80° 28.5256') and UNT Goose Run (39° 26.100' X 80° 28.4922').<br>Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of in UNT Goose Run (39° 26.100' X 80° 28.4922'), Seal Run (39° 20.4891' X 80° 30.7324') and Grass Run (39° 20.1127' X 80° 31.3233'). |
| Aug 2, 2018 | W18-52-005-CP | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Stony Creek and Slate Run. |
| Aug 10, 2018 | W18-09-083-TJC | Title 47, Series 2, Section 3.2.a.- caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in UNT Meathouse Fork (39° 11.891' X 80° 33.209').<br>Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of UNT Meathouse Fork (39° 11.891' X 80° 33.209'), UNT Dry Fork (39° 11.377' X 80° 33.566'), UNT Kincheloe Creek (39° 10.006' X 80° 34.736'), Wetland UNT Kincheloe Creek (WJ-40) (39° 10.060' X 80° 34.626'), Wetland UNT Smoke Camp Run (W-I26) (39° 08.208' X 80° 34.610'), Wetland UNT Left Fork of Freemans Creek (W-B47) (39° 04.744' X 80° 34.904), UNT Laurel Run (39° 01.133' X 80° 35.813') and Laurel Run (39° 01.043' X 80° 35.867'). |
| Aug 13, 2018 | W18-10-001-JHH | Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of wetland WQR-1 and stream A-104 (both are UTs of Buffalo Creek of the Meadow River). |
| Sept 20, 2018 | W18-52-009-CP | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in UNT of Painters Run along access road 231.01 off Painters Run Road near station 10270 |
| Sept 25, 2018 | W18-52-011-CP | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in UNT of Little Kanawha River. |

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| Sept 25, 2018 | W18-52-010-CP | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in UNT of Knawls Creek. |
| Sept 26, 2018 | W18-32-001-JTL | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Stream S-H58 and TTWV-S-E58 that flow into Hans Creek. |
| Sept 27, 2018 | W18-32-002-JTL | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Stream S-A60, Stream S-Z4, Stream S-Z5, Wetland W-22 and Indian Creek. |
| Oct 2, 2018 | W18-32-003-JTL | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in pond (P-D1) and stream (S-D29) at station #9687. |
| Nov 27, 2018 | W18-52-014-CP | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Knawl's Creek. |
| Feb 6, 2019 | W19-32-002-JTL | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in an UNT of Brammer Branch |
| Apr 22, 2019 | W19-45-008-JTL | Title 47, Series 2, Section 3.2.b.- Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of stream S-T35(A) a tributary of Lick Creek. |
| July 9, 2019 | W19-45-021-JTL | Title 47, Series 2, Section 3.2.b. - caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of the stream.: Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits in Stream S-T35A an UNT of Lick Creek at station No. 8634+00 MVP ROW. |
| July 18, 2019 | W19-51-024-JTL | Title 47, Series 2, Section 3.2.a.- Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in a conveyance/ephemeral stream that becomes Fall Run a tributary of the Holly River. |
| Aug 7, 2019 | W19-45-026-JTL | Section 3.2.b. - Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of Stream S-K16 and UNT of Hungard Creek near station No. 8929+00. |
| Aug 14, 2019 | W19-04-073-TJC | Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of Keith Run (38° 47.179' X 80° 31.816') in two locations. |
| Sept 11, 2019 | W19-17-030-JTL | Section 3.2.a-Responsible party has caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in Stream S-B75 (Goose Run) a tributary of Big Elk Creek. |

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| Nov 7, 2019 | W19-04-032-JTL | Section 3.2.b-Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of a stream: Permittee has caused conditions not allowable in waters of the State by allowing sediment deposits in Stream S-L49 (Elliott Run) a tributary of Little Kanawha River at station No. 3946+00 and by allowing erosion controls pellets in Elliott Run (Stream S-L49) and Stream S-H117. |

MVP's discharges have caused approximately 50 violations in of § 47-2-3.2.a and § 47-2-3.2.b since construction began. Notices of Violations can be found in Appendix A.

MVP construction will continue to violate water quality standards violations and contribute to significant degradation of the waters of the United States; therefore, FERC must deny their Certificate Extension Request and evaluate impacts to water quality in an SEIS.

**FERC cannot rely on the effectiveness of best management practices to satisfy the requirements for an environmental review.**

To support the assertion that the proposed project will comply with the Clean Water Act and will not cause degradation of water resources, MVP relies primarily on its compliance with best management practices (BMPs) outlined in FERC's procedures and MVP's Sediment and Erosion Control Plan and Stormwater Pollution Prevention Plan (SWPPP). Past experience demonstrates, however, that those measures are insufficient to prevent water quality standards violations and degradation to waters of the US. WVDEP Environmental Enforcement has cited MVP 55 times for violating their stormwater permit requirements.

The proposed project impacts aquatic life due to increased sedimentation not just from the stream crossings themselves, but also from the runoff from the significant land disturbance that occurs in upland areas during construction. Such disturbance undoubtedly leads to increased sedimentation in waterbodies down gradient from the disturbed soils. Erosion and sedimentation controls on MVP have been known to fail under heavy rain events and sedimentation and erosion is more prominent on steeper slopes adjacent to bodies of water. There are numerous examples of significant sedimentation impacts occurring during pipeline construction despite the use of industry-standard erosion and sedimentation controls. WVDEP Inspectors have consistently required enhanced erosion control measures and modifications to the Stormwater Pollution Prevention Plan and those modifications have consistently failed.

Even when not in active construction, erosion and sedimentation continues to occur due to failure to operate and maintain treatments and erosion control measures.

**Table 3. Violations of MVP's Stormwater Construction Permit Cited by WVDEP Inspectors**

| Date | Violation Number | Violated the following terms and conditions of WV/NPDES General Water Pollution Control Permit No. WV0116815, Registration No. WVR310667[1, 2]: |
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| **Apr 3, 2018** | W18-52-021-RDD | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through silt sock located at the Bradshaw Compressor Station.<br>Section G.4.e.2. - Permittee has failed to properly implement controls: lack of drop inlet protection at the Mobley Compressor Station. |
| **May 9, 2018** | W18-52-001-CP | Section G.4.e.2. - Permittee has failed to implement appropriate controls which allowed a failure of controls at station 9492+92.85 allowed sediment laden water to leave site without going through an appropriate device.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device. |
| **May 9, 2018** | W18-52-002-CP | Section G.4.c. - Permittee has failed to modify your SWPPP when the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges- additional controls were not added to areas where installed controls failed.<br>Section G.4.e.2. - Permittee has failed to implement controls: water bars/slope breakers were improperly installed- did not have outlets, outlet was directed down denuded slope, slope of water bar was inappropriate, and inadequate number of bars were installed.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device from control failure at stations 6812+58 (sheet 6.38) and 6854+00 (sheet 6.39). |
| **June 6, 2018** | W18-09-076-TJC | Section G.4.e.2.- failed to properly implement controls: improperly installed water bars were noted in areas scattered throughout the inspected area. An improperly installed BMP at the terminus of a water bar located adjacent to the Dry Fork access (MVP-DO-049) caused sediment laden water to bypass the device<br>Section D.1.- failed to operate and maintain all erosion control devices. An improperly operated temporary right of way diversion and outlet was noted at 1851+00. This deficiency caused sediment laden water to leave the site and CNA was noted as a result.<br>Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite sediment deposits and sediment laden water was noted in areas scattered throughout<br>the inspected area. |
| **June 6, 2018** | W18-17-065-TJC | Section B- failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP). Perimeter controls and treatment at water bar outlets are not in place as detailed by the SWPPP from 513+64 to 556+00. There are no |

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| | | BMPs in place to prevent sediment laden water from leaving the site in this area in violation of the issued permit. |
| **July 17, 2018** | W18-52-003-CP | Section G.4.e.2. - Permittee has failed to properly implement controls: installed controls failed allowing sediment laden water to leave site and flow into UNT of Birch River (S-F34).<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device- control failure near station 5518+00 (GPS coordinates: 38˚25.4570'N, 80˚34.2329'W deposited sediments into UNT of Birch River (S-F34). |
| **July 18, 2018** | W-18-52-004-CP | Section G.4.e.2. - Permittee has failed to implement controls appropriate for the project: inadequate controls at terminus of water bars.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device at several locations along UNT of Harmony Creek (Photos 6-8) |
| **July 27, 2018** | W18-17-077-TJC | Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite sediment deposits were noted in Grass Run.<br>Section G.4.e.2.- failed to properly implement controls: improperly constructed water bars were noted throughout the inspected area. |
| **Aug 1, 2018** | W18-17-082-TJC | Section G.4.e.2.- failed to properly implement controls: improperly installed water bars were noted throughout the inspected area. Water bars did not shed stormwater off of the project area in small quantities as designed. Sheet flow BMPs (Super Silt Fence) were noted in concentrated flow areas throughout the inspected area.<br>Section D.1.- failed to operate and maintain all erosion control devices. Improperly operated and maintained BMPs were noted in areas scattered throughout the inspected area.<br>G.4.e.2.A.ii.f.-Failed to protect fill slopes. Concentrated flow was being directed over unstable fill slopes in areas scattered throughout the inspected area.<br>Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite sediment deposits and CNA were noted in areas scattered throughout the inspected area. |
| **Aug 2, 2018** | W18-52-005-CP | Section G.4.e.2. - Permittee has failed to properly implement controls: controls at Wayside/Talcott (station 9466+16) and Slate Run (station 9624+00) are insufficient to prevent the release of sediment laden water into adjacent streams of Stony Creek and Slate Run.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an |

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| | | appropriate device at Wayside/Talcott (station 9416+16) and Slate Run (station 9624+00) |
| **Aug 10, 2018** | W18-09-083-TJC | Section G.4.e.2.- failed to properly implement controls: improperly installed water bars were noted throughout the inspected area. Water bars installed at steep angles were observed during the inspection. Water bars that discharged stormwater into unstable diversions as well as water bars that terminated prior to the edge of the LOD and did not discharge stormwater off site in small quantities as designed were observed.<br>Section D.1.- failed to operate and maintain all erosion control devices. BMPs that were not properly operated and maintained that caused offsite sediment deposits were noted in areas scattered throughout the inspected area.<br>G.4.e.2.A.ii.f.-Failed to protect fill slopes. Concentrated flow that was being directed over fill slopes and/or unstable diversions that caused fill slope erosion were noted in areas scattered throughout the inspected area.<br>Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite sediment deposits and CNA were noted in areas scattered throughout the inspected area. |
| **Aug 13, 2018** | W18-10-001-JHH | Section G.4.e.2.- failed to implement controls appropriate for the project: perimeter controls are being used for concentrated flow in multiple locations on the project, silt fence being installed on the southern portion of the pad area was not joined or trenched in properly.<br>Section D.1.- failed to operate and maintain erosion control devices: perimeter controls in multiple locations on the project have not been maintained.<br>Section G.4.c: Failed to modify your SWPPP when it proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges: alterations /modifications to the SWPPP have not occurred in areas where failed controls have repeatedly led to off-site sediment loss.<br>Section B- failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP): The roadside diversion with checks and several cross drains were not in place on site as prescribed in the SWPPP. This lack of stormwater control in the lower portion of the site was causing unnecessary erosion, lack of treatment and standing water in the fuel storage area.<br>Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device: this was evident at six different locations along the project LOD perimeter. |
| **Aug 15, 2018** | W18-52-006-CP | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls- Water bar terminus needed maintenance near Bingham Road station |

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| | | 7450+00 (Photo 5), timber mat bridge fabric was torn station 7465+00 (Photos 9& 10), CFS needs maintenance near Bingham Road (Photo 12) and station 7232+00 (Photos 13 & 14)<br>Section G.4.c. - Permittee has failed to modify your SWPPP when the SWPPP proves to be ineffective - water bar terminus at station 7084+00 has failed allowing release of sediment laden water to leave site; controls added to have proved inadequate to control flow. Inadequate number of water bars are installed on slope between 7084+00 to 7093+50 leading to continued failure of installed water bars.<br>Section G.4.e.2. - Permittee has failed to properly implement controls: inadequate controls were installed near ROW entrance of Bingham Road station 7450+00 (Photo 11), water bars were improperly sloped near Bingham Road station 7450+00 (Photos 1-4), water bars lacked outlet near Bingham Road station 7450+00 (Photos 6-8), inadequate controls installed at base of fill slope at 7158+00 (Photos 17 & 18), inadequate number of water bars were installed between stations 7084+00 to 7093+50 (photos 21 & 22),<br>inadequate controls were installed at water bar terminus at station 7084+00 (photos 23-30) and ditch checks were not installed in road side ditch below failed control at 7084+00.<br>Section G.4.e.2.A.i.b. - Permittee has failed to provide interim stabilization on areas where construction activities have temporarily ceased for more than 21 days, specifically on waste piles near Bingham Road station 7465+37 (Photos 19 & 20), Bamboo Road station 7158+00 (Photos 15 & 16) and all other areas where applicable.<br>Section G.4.e.2.A.ii.f. - Permittee has failed to protect fill slopes at station 7158+00 (Photos 15 & 16).<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device- sediment laden water from failed water bar terminus is conveyed through road side ditch into culverts to leave perimeter at GPS location 38˚5.84131'N, 80˚43.1339'W (photos 28-30). |
| **Sept 11, 2018** | W18-52-008-CP | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device at Station 900 where concentrated flow has over topped installed perimeter controls. |
| **Sept 20, 2018** | W18-52-009-CP | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls- Silt fence along access road 231.01 off Painters Run Road near station 10270 needs replaced.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device- controls failed along access road 231.01 off Painters Run Road near station 10270. |

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| **Sept 25, 2018** | W18-52-011-CP | Section G.4.e.2. - Permittee has failed to properly implement controls: inadequate perimeter controls installed at base of fill slope at station 550, which allowed sediment laden water to release into UNT of Little Kanawha River (photos 1-3).<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device into UNT of Little Kanawha River (photos 1-3). |
| **Sept 25, 2018** | W18-52-010-CP | Section G.4.e.2. - Permittee has failed to properly implement controls: inadequate controls at sumps near station 3625+00 and perimeter controls near station 3634+00 which allowed sediment laden water to leave site (photo 1-6).<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device in UNT of Knawls Creek. |
| **Sept 26, 2018** | W18-32-001-JTL | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Off-site sediment deposits in multiple locations were observed from station numbers 9915+00 through 9897+00.<br>Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Evidence was observed that waterbar outlets where not being maintained to limit impacts off the ROW. |
| **Sept 27, 2018** | W18-32-002-JTL | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device: At station #9630+00 SLW was entering Stream S-A60. SLW was observed leaving portions of ROW and entering Indian Creek at the CR 23/9, SLW was observed leaving portions of ROW near Station numbers 9417+75, 9779+00 and 9778+00. Impacted areas include Stream SA60, Stream S-Z4, Stream S-Z5, Wetland W-22 and Indian Creek.<br>Section G.4.e.2.D.i. - Permittee has failed to inspect and clean all adjacent public and private roads of debris originating from the construction site along CR 23/9 Ellison ridge road.<br>Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Multiple waterbar outlets were being overwhelmed at the time of inspection. |
| **Oct 2, 2018** | W18-32-003-JTL | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device near station #9687. Off site sediment deposits were also observed at station numbers 9717+52 and 9724+51.<br>Section G.4.e.2.A.ii.f. - Permittee has failed to protect fill slopes and stabilize channels at station #9687.<br>Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Evidence was observed that BMP's were not being maintained to limit impacts off the ROW. |
| **Oct 3, 2018** | W18-52-012-CP | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls unacceptable |

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| | | amount of sediment was left in sumps after maintenance was performed at Painters Run Road station 10270. |
| **Oct 10, 2018** | W18-52-013-CP | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device at AR 210 and Painter's Run Road station 10270.<br>Section G.4.e.2.D.i. - Permittee has failed to inspect and clean all adjacent public and private roads of debris originating from the construction site at AR 210 and Painter's Run Road station 10270. |
| **Oct 25, 2018** | W18-52-033-RDD | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device at Station 489 and 493.<br>Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls stabilized diversion ditch near Mainion Run, perimeter controls near Sams run crossing, and waterbars and associated sumps near Sams Run. |
| **Nov 27, 2018** | W18-52-014-CP | Section G.4.e.2. - Permittee has failed to properly implement controls sufficient to prevent release of sediment laden water into Knawl's Creek.<br>Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device entering Knawl's Creek. |
| **Nov 30, 2018** | W18-17-113-TJC | Section G.4.e.1.E.: Permittee has failed to provide an adequate stone access entrance/exit to reduce the tracking of sediment onto the public or private roads. Access Roads WV-HA – 31.1 off CR 50/4, WV-HA-29.04 off CR 50/5 and WV-HA-29.5 off CR 50/5 lacked a stable construction entrance and track out was noted on the adjacent public roadways as a result.<br>Section G.4.e.2.D.i.: Permittee has failed to inspect and clean all adjacent public and private roads of debris originating from the construction site. The responsible party was making an attempt to clean track out debris from CR 50/5 at the time of inspection, however a film of sediment that originated from the site covered the road. |
| **Feb 6, 2019** | W19-32-002-JTL | Section G.4.e.2.A.ii.j - Permittee has failed to prevent sediment-laden water from leaving the site without going through an appropriate device at the MVP contractor yard in Beaver, WV. Sediment laden water was entering an UNT of Brammer Branch.<br>Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Evidence was observed that BMP's were not being maintained in and along a drainage ditch that flowed through the yard and terminated upslope of the UNT of Brammer Branch causing Conditions Not Allowable.<br>Section G.4. - Permittee has failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP). Erosion control devices near station number 8816+00 are not in place as detailed by the SWPPP. |

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| **Feb 11, 2019** | W19-34-003-JTL | Section G.4.e.2-Permittee failed to implement controls appropriate for the project. Evidence that enhanced erosion was occurring in the waterbar and slopes near station 6017+50 and at station 5960+50 erosion occurring on the slope and SLW being concentrated in wetland W-IJ-55 with the potential to migrate off site.<br>Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Evidence was observed at station 5960+50 that BMP's were not being maintained causing Sediment Laden Water to be present in Wetland W-IJ-55.<br>Section G.4.e.2.A.ii.e.-Permittee has failed to protect fill slopes by diverting runoff away from the slope to a stable channel. At Station 5960+50 above Wetland W-IJ-55 erosion was occurring on the slope and no diversion was in place to convey runoff to a stable channel. |
| **Apr 22, 2019** | W19-45-008-JTL | Section D.1.-Permittee failed to properly operate and maintain all systems of treatment: Controls implemented on slope above stream S-T35(A) had sediment build up in waterbars due to erosion occurring on slope.<br>Section G.4.c-Permittee failed to modify the SWPPP by taking measures to ensure compliance with the permit: Waterbars were implemented incorrectly between stations 8438+00 through 8628+00.<br>Section G.4.e.2.A.ii.j - Permittee failed to prevent sediment-laden water from leaving the site without going through an appropriate device at station #8633+71. Evidence of Sediment laden water and sediment deposits were observed to have impacted Stream S-T35(A) a tributary of Lick Creek.<br>Section G.4.e.2.A.ii.f. - Permittee failed to protect fill slopes between station #8638+00 and #8628+00: Erosion on slope due to improper Waterbar implementation.<br>Section G.4.e.2. - Permittee failed to properly implement controls appropriate for the project: Waterbars were installed to terminate on the ROW at station #8633+71 causing erosion to occur on the ROW and sediment to impact Stream S-T35(A). |
| **May 13, 2019** | W19-45-010-JTL | Section G.4. - Permittee has failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP). Waterbar outlet controls near station #8399+10 were not in place at the time of installation as detailed by the SWPPP. |
| **May 24, 2019** | W19-45-015-JTL | Section G.4.c.- Permittee has failed to modify the Storm Water Pollution Prevention Plan (SWPPP): Perimeter controls were not in place at the base of a soil pile allowing sediment deposits past the LOD at station 8387+96. |
| **May 29, 2019** | W19-04-013-JTL | Section D.1-Permitte has failed to properly operate and maintain all facilities and systems: Evidence was observed at station 4031+00 and 4027+00 that controls were not being maintained causing Sediment to be transported past the LOD. |

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| | | Section G.4.e.2-Permittee has failed to implement controls appropriate for the project: Evidence that enhanced erosion was occurring on ROW, in Waterbars and slopes near station 4031+00 and 4027+00 was observed.<br>Section G.4.e.2.A.ii.e.-Permittee has failed to protect fill slopes by diverting runoff away from the slope to a stable channel: At Stations 4030+00 and 4027+00 waterbars were terminating onto the fill slope causing controls to be overwhelmed along the perimeter and sediment to be transported past the LOD.<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Sediment deposits from SLW leaving the site was observed at station No.'s 4030+00 and 4027+00. |
| **May 30, 2019** | W19-34-014-JTL | Section D.1-Permittee has failed to properly operate and maintain all facilities and systems: Evidence was observed at stations 6474+16, 6478+48, 6508+30, 6510+10 and 6514+60 that controls were not being maintained causing Sediment to be deposited past the LOD.<br>Section G.4-Permittee has failed to follow approved SWPPP: At station 6945+00 ROW diversion had not been installed per SWPPP. Station No. 6497+50 Perimeter controls not installed per SWPPP.<br>Section G.4.e.2.A.i.d. - Permittee has failed to stabilize clean water diversions prior to becoming functional: Above stream S-EE1 and at station 6485+10 clean water diversions had not been stabilized prior to becoming functional.<br>Section G.4.e.2-Permittee failed to implement controls appropriate for the project: Controls had not been enhanced and/or implemented at stations 6508+30, 6510+40 and 6514+60 to eliminate sediment from being deposited past the LOD.<br>Section G.4.e.2.A.ii.j-Permittee has allowed sediment laden to leave the site without going through and appropriate device: At station No.'s 6508+30, 6510+40 and 6514+60 evidence that SLW had left the site was observed. |
| **June 5, 2019** | W19-51-015-JTL | Section D.1-Perimittee has failed to at all times properly operate and maintain all systems of treatment and control: Construction entrance at Rt 82 crossing was not maintained to prevent sediment laden water and sediment to be deposited past the permitted LOD.<br>Section G.4.e.2.A.ii.j_Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: At the Route 82 crossing sediment deposits and sediment laden water were observed past the LOD. Sediment deposits were observed in the roadside ditch that paralleled Route 28 as well as downslope past a culvert outlet approximately 500 feet past the LOD. |
| **June 12, 2019** | W19-32-17-JTL | Section G.4.e.2.A.ii.j-Permitee has allowed sediment laden to leave the site without going through and appropriate device: At |

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| | | station No. 9780+00 evidence that SLW had left the site was observed due to a significant amount of sediment deposits and scouring being present past controls and LOD. At the Dargo silt fence downslope of station No. 9780+00 sediment deposits was observed past controls and the LOD. |
| **June 19, 2019** | W19-51-018-JTL | Section G.4.e.2.A.ii.j-Permittee has allowed sediment laden to leave the site without going through and appropriate device: At station No. 6587+00 evidence was observed that sediment laden water had left the site due to sediment deposits being present past controls and the LOD above Stream S-L38. |
| **July 9, 2019** | W19-45-021-JTL | Section G.4.e.2.A.ii.j- allowed sediment laden to leave the site without going through and appropriate device: At station No. 8634+00 evidence that SLW had left the site was observed due to impacts to Stream S-T35A and impacts off site past controls and LOD. |
| **July 18, 2019** | W19-51-024-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: Along AR-MVP-WB-119 multiple controls had not been maintained allowing sediment to be deposited past the LOD. At station No. 4559+96 sediment deposits were observed in a ditch that was located along AR-WB-119. At station No.'s 4559+96 and 4539+00 controls had not been maintained leading to controls becoming overwhelmed with sediment and sediment laden water being observed past the LOD.<br>Section G.4.e.2.A.ii.j-Permittee has allowed sediment laden to leave the site without going through and appropriate device: At station No. 4559+96 and at several locations along AR-MVP-WB-119; evidence was observed that sediment laden water had left the site due to sediment deposits being present past controls and the LOD downslope of AR-MVP-WB-119. At and near station No. 4539+00 SLW was observed leaving the ROW; flowing past controls and entering the roadside ditch that flows downslope towards the ROW crossing with AR-MVP-WB-119 and was conveying downslope through a culvert inlet/outlet approximately 400 feet past the LOD towards Fall Run a tributary of the Holly River. |
| **Aug 1, 2019** | W19-04-025-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At Access Roads BR-095, BR-097 and BR-099 controls had not been maintained and at station No.'s 3831+00 through 3829+00 controls had not been implemented correctly and or were not being maintained causing erosion and sediment to be deposited past the LOD.<br>Section G.4.e.2.A.ii.f. - Permittee has failed to protect fill slopes: At station No.'s 3831+00 through 3829+00 fill slope erosion was occurring between waterbars causing controls to be overwhelmed and sediment deposits to be present in the ditch that parallel's US 19/HWY 4 and past the LOD at station No. 3831+00. Section G.4.e.2. - Permittee has failed to implement controls appropriate |

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| | | for the project: At station No. 3831+00 through 3829+00 waterbars were terminating onto the ROW causing erosion to occur on the slope that led to control failures above US19/Hwy4.<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Sediment deposits were observed past the LOD at station No. 3831+00 and in a roadside ditch that parallels US 19/HWY 4 at station No. 3829+00. At Access Road MVP-BR-097 sediment deposits were present past the LOD. In the Roadside ditch near station No. 3897+75 downslope of MVP-BR- 099 sediment deposits were observed above Stream S-K34/35. Sediment deposits were observed past the LOD due to a Waterbar failure South of BR-099 on MVP ROW. Sediment deposits were present past LOD at BR- 097. |
| **Aug 7, 2019** | W19-45-026-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At Station No.'s 8951+00 through 8956+00 erosion was present in waterbars. Several Waterbar outlets had no controls present casing erosion to occur below the termini. Sumps that were present below the Waterbar termini were overwhelmed with sediment and were not functioning as designed. Erosion present on slopes near station No. 8946+00 causing controls to be overwhelmed with sediment and not functioning as designed.<br>Section G.4.e.2.A.ii.f. - Permittee has failed to protect fill slopes: At station No.'s 8951+00 through 8956+00 waterbars were terminating onto a steep slope causing erosion and sediment deposits to overwhelm controls leading to sediment deposits to be present past the LOD. At station No. 8946+00 erosion was present in multiple locations on the fill slope overwhelming perimeter controls.<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Sediment deposits were observed past the LOD at station No. 8956+00. |
| **Aug 14, 2019** | W19-04-073-TJC | Section D.1.- Mountain Valley Pipeline LLC. failed to operate and maintain all erosion control devices. A culvert on access road MVP-BR-092.01 was plugged and in need of maintenance. This allowed concentrated flow stormwater to flow from the top of the slope to the base of the slope which caused offsite sediment deposits. A water bar terminus BMP in inspected area 3 (adjacent to 3760+00) was inundated with sediment and in need of maintenance.<br>Section G.4.e.2.A.ii.j.- Mountain Valley Pipeline LLC. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. This deficiency was a result of poorly maintained BMPs which allowed sediment laden water to bypass treatment. |

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| | | Section B- Mountain Valley Pipeline LLC. failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP). The approved SWPPP indicates the need for ditch checks in the upslope ditch of all access roads as well as rock outlet protection and a sediment control device placed at the outlets of the installed culverts. The access road lacked the proposed ditch checks, rock outlet protection and an installed sediment control device at the outlet of the installed culverts. |
| **Aug 14, 2019** | W19-21-074-TJC | Section G.4.e.2.- Mountain Valley Pipeline LLC. failed to properly implement controls. Water bars that were improperly installed were noted in areas scattered throughout the inspected area. Water bars that were installed at steep angles (> 12%) were noted. Water bars that were installed at varying angles were noted. Water bars that did not extend across the entire disturbed right of way and terminated prior to the installed perimeter silt fence were noted. Water bars that discharged stormwater over unprotected fill slopes were noted. Six improperly installed water bars on the project area adjacent to 2768+00 were discharging into a stabilized diversion. The installed diversion carried the stormwater to the base of the hill where it was being treated with two pieces of<br>perimeter silt fence. The amount of stormwater being directed at the installed perimeter controls overwhelmed the BMPs and caused a significant amount of offsite sediment deposits adjacent to Cove Run. Improperly installed timber mat equipment bridges were noted at the Clover Run, Oil Creek and Cove Run (S-K-45) crossings. The installed perimeter controls were not properly merged with the installed timber mat equipment bridges which caused areas where sediment laden water could bypass treatment. An improperly installed straw bale dewatering structure was noted in the Cove Run watershed adjacent to 2770+00. The dewatering structure had a layer of impermeable plastic inside of the geotextile fabric which caused the structure to not function as<br>designed.<br>Section D.1.- Mountain Valley Pipeline LLC. failed to operate and maintain all erosion control devices. Perimeter controls that were in need of maintenance were noted in areas scattered throughout the inspected area. This deficiency caused sediment laden water to bypass treatment and led to offsite sediment laden water adjacent<br>to 2919+50. The offsite sediment laden water adjacent to 2919+50 occurred due to a dewatering operation at the time of inspection.<br>Section G.4.e.2.A.ii.j. - Mountain Valley Pipeline LLC. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment laden water bypassed |

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| | | treatment due to improperly installed BMPs and poorly maintained BMPs. |
| **Aug 26, 2019** | W19-09-028-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At station No.'s 1833+50 and 1730+00 controls were not being maintained leading to perimeter controls being overwhelmed with sediment causing them not to function as designed.<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Evidence that Sediment Laden water left the site was observed due to sediment deposits being observed past the LOD due to control failures at Station No.'s 1833+00 and 1730+00. |
| **Sept 9, 2019** | W19-21-029-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At the Route 21/Indian Fork crossing (Station No. 3089+00) controls had not been maintained or enhanced allowing sediment laden water to leave the ROW and enter a roadside ditch that conveys to Indian Fork (S-H159).<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Evidence that Sediment Laden water left the site was observed due to sediment deposits being observed past the LOD in the roadside ditch that parallels CR21 and coveys to Indian Fork (S-H159)/(Station No. 3089+00). |
| **Sept 11, 2019** | W19-17-030-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At station No. 645+35 the dewatering structure used for the Stream S-B75 bore was not being maintained and operated properly causing the structure to not function as designed causing conditions not allowable in Stream S-B75 (Goose Run).<br>Section G.4.e.2.A.ii.j.-Permittee has failed to prevent sediment laden water from leaving the site without going through an appropriate device: Sediment Laden water was observed leaving a dewatering structure used for the boring under Stream S-B75 (Goose Run).<br>Section G.4.e.2.A.i.b. - Permittee has failed to provide interim stabilization on areas where construction activities have temporarily ceased for more than 21 days: At station No. 645+00 slopes had not been reseeded or re-stabilized after winter stabilization measures were no longer adequate. |
| **Nov 7, 2019** | W19-04-032-JTL | Section F.1.- Permittee failed to immediately notify WVDEP of impacts to a water of the state (Elliott Run/Stream S-L49) pursuant to 47CSR11-2 (Special Rules) of the West Virginia Legislative Rues<br>promulgated pursuant to Chapter 22, Article 11.<br>Section G.4.e.2. - Permittee has failed to implement controls appropriate for the project: A Waterbar above the slip that |

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| | | occurred and impacted Elliott Run at station No. 3946+00 was terminating onto the ROW and had no outlet controls present. |
| **Dec 12, 2019** | W19-45-034-JTL | Section D.1. - Permittee has failed to properly operate and maintain all systems of treatment and controls: At station No. 8433+50 run on from a seep and improper tracking of the slope caused downslope controls to be overwhelmed with SLW/Sediment deposits leading to SLW to be observed past the LOD and controls. |
| **Aug 11, 2020** | W20-34-003-JTL | Section D.1. - Permittee failed to properly operate and maintain all systems of treatment and controls: From station No.'s 6482+90 (Rt.39 crossing) to No. 6485+50 reseeding had not occurred after temporary seed mixes either didn't germinate and or dyed off having less than 70 percent coverage at the time of inspection. Controls in waterbars and fill slopes had been overwhelmed with sediment leading to sediment deposits being observed past the LOD near station No. 6485+50. Erosion was occurring on fill slopes between Station No.'s 6482+90 through 6485+50. Waterbars were terminating onto fill slopes causing enhanced erosion to occur.<br>G.4.c. - Permittee failed to modify the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activities. At stations No. 6482+90 through 6485+50 waterbars were terminating onto fill slopes lacking either slope drains and/or waterbar sumps at the outlets.<br>G.4.e.2.A.i.c. – Permittee failed to reseed where the seed has failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within 30 days after seeding and mulching from Station No.'s 6482+90 through 6485+50 at the Route 39 crossing and fill slopes South of the crossing at Station No. 6485+50.<br>G.4.e.2.A.ii.f. Permittee failed to protect fill slopes by measures used to divert runoff away from fill slopes to conveyance measures such as pipe slope drains or stable channels. At station No. 6482+90 fill slopes had rill and gully erosion present leading to controls being overwhelmed and sediment deposits present pas the LOD.<br>G.4.e.2.A.ii.j. – Permittee allowed Sediment laden Water to leave the site without going through an appropriate best management practice. At station No. 6485+50 sediment deposits were observed past the LOD. |
| **Aug 17, 2020** | W20-34-004-JTL | Section D.1. - Permittee failed to properly operate and maintain all systems of treatment and controls: At Station No. 6613+00 a Waterbar was terminating onto the fill slope causing significant erosion downslope of the outlet leading to controls needing maintained and or enhanced.<br>G.4.c.- Permittee failed to follow and or modify the SWPPP when it proved to be ineffective. At Station No. 6613+00 A Waterbar |

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| | | was terminating onto the slope causing significant erosion. Run-on was also leading to erosion at the side cut casing sediment to be deposited into the downslope Waterbar leading to concentrated flow in downslope waterbars.<br>G.4.e.2.A.i.c. – Permittee failed to reseed where the seed has failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within 30 days after seeding and mulching at Station No. 6613+00.<br>G.4.e.2.A.ii.f. Permittee failed to protect fill slopes by measures used to divert runoff away from fill slopes to conveyance measures such as pipe slope drains or stable channels. At station No. 6613+00 fill slopes had erosion present due to a Waterbar terminating onto the slope. Significant erosion was present leading to sediment being deposited into waterbars and sumps at the Waterbar outlets above Stream S-L35. Run on was causing erosion leading to sediment being deposited into waterbars downslope of the side cut. |
| **Sept 9, 2020** | W20-52-065-RDD | Section G.4.e.2.A.ii.j - MOUNTAIN VALLEY PIPELINE, LLC has failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment laden water was leaving the site near Stout Run Road through silt sock.<br>Section D.1. - MOUNTAIN VALLEY PIPELINE, LLC has failed to properly operate and maintain all systems of treatment and controls- Sediment laden water was leaving the site near Stout Run Road through silt sock. |
| **Sept 16, 2020** | W20-34-005-JTL | Section D.1.- Permittee failed to properly operate and maintain all systems of treatment and controls: At Station No. 6657+00 through 6450+76 and at Stations 6707+00 through 6698+00 Erosion was occurring between and within the waterbars on slopes conveying run off onto fill slopes causing erosion downslope of the Waterbar outlets. Controls were either not being implemented to reduce sheet flow rates and/or if present not being maintained.<br>G.4.e.2.A.i.c. – Permittee failed to reseed where the seed has failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within 30 days after seeding and mulching at Station No.'s 6657+00 through 6450+76 and at Stations 6707+00 through 6698+00. Reseeding had not occurred in these areas leading to slopes becoming destabilized causing erosion to occur.<br>G.4.e.2.A.ii.f. Permittee failed to protect fill slopes by measures used to divert runoff away from fill slopes to conveyance measures such as pipe slope drains or stable channels. At station No.'s 6657+00 through 6450+76 and at Stations 6707+00 through 6698+00 fill slopes had erosion present due to lack of stabilization measures being implemented within the LOD. |

These citations by WVDEP inspectors for non-compliance with MVP's stormwater construction permit demonstrate that FERC cannot rely on MVP's use of the "industry-standard" BMPs outlined in its Certificate and SWPPP to ensure that the project will not cause significant degradation of waters of the US. FERC must conduct an SEIS to fully analyze the impacts to water resources given MVP's history of non-compliance with their stormwater permit.

In summary, FERC must deny Mountain Valley Pipeline's Request of an Extension of Time given the significant adverse impacts to water resources. These impacts are imminent if the construction is allowed to proceed. Under the National Environmental Policy Act, FERC must initiate a Supplemental Environmental Impact Statement to fully analyze the impacts to water resources.

Signed,

Angie Rosser
West Virginia Rivers Coalition