

General/ Overview

Upon reviewing many economic reports, the Draft Environmental Impact Statement by FERC, and many critical responses to that DEIS from different parties, we have not seen that there is any public necessity for this project.

There is no documented need for additional pipelines in NC, from the ACP or MVP Southgate.¹ If you're wondering why a company would invest billions of dollars in a pipeline that no one needs, the answer is probably that FERC allows a [hefty 14% return on equity](#) for new fracked gas pipelines, that could be borne out by ratepayers.

One of the contractors constructing the Mountain Valley Pipeline, Precision Pipeline, has a poor track record when it comes to following environmental protections. They have received numerous notices of violations and cease and desist orders for their work on the Rover Pipeline.² Virginia DEQ sued MVP mainline for more than 300 environmental violations, "mostly related to improper erosion control and stormwater management."³

ASK:

1. **NCDEQ deny this certification.**
 - a. **The project is not needed. DEQ, in its own written comments to FERC, called into question the need of the project -- so deny the certification once and for all.**
 - b. **The pipeline would result in extensive and long-lasting impacts to streams, rivers, and wetlands in North Carolina and Virginia.**

Water Quality

- Construction of the MVP mainline has violated water quality regulations by dumping sediment into streams and rivers.
- There will be severe risks to clean water: Wetlands, rivers, streams, reservoirs, groundwater, and creeks will be threatened by MVP Southgate. Some quick examples: In Pennsylvania, recent pipeline construction led to [contamination of drinking water for 15 families](#). In West Virginia, Dominion has been [cited](#) for work on three different pipelines that contaminated a dozen streams.
- North Carolina should consider all potential water quality impacts of this project, both direct and indirect, over the life of the project, including impacts from construction and operation of the pipeline. This project will require variances to the Jordan Lake Buffer rule, and will have construction, grading, blasting, and other impacts from heavy machinery directly adjacent to the Haw River, and through many tributary streams.
- Mandatory Minimum Information: Much of the information requested by NCDEQ following the release of the Draft Environmental Impact Statement has not been supplied or discussed with landowners and local governments who would be impacted by this project

¹ <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=15090823>

² Charleston Gazette-Mail, [MVP contractor tied to pipeline cited for environmental violations](#)

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<https://www.oag.state.va.us/media-center/news-releases/1341-december-7-2018-herring-and-deq-file-suit-over-environmental-violations-during-construction-of-mountain-valley-pipeline>

- Antidegradation Policy: This project would degrade water quality throughout the Haw River basin. Cumulative impacts of over 80 small stream crossings would result in rapid runoff and incised streams, eroded banks, poor benthic health, and turbidity and nutrient issues.
- Designated Uses: A large section of the proposed route runs adjacent to the Haw River. This section of stream is a popular recreation access for paddlers. This section of river is an economic driver for Alamance County Parks and Recreation for their Haw River trail, and several outfitters in the area who rent boats to paddlers. Downstream, Saxapahaw is a popular swimming, paddling, tubing, and stand up paddle boarding destination, as well as hiking and recreating in the river parks. The upstream impacts to water quality from sediment loading caused by the pipeline would be detrimental to these designated uses.
- **The proposed project would cross 224 waterbodies**, 3 of which are major waterbodies, including designated water supply, high quality, and/or nutrient sensitive waterbodies.
- In addition, MVP is requesting to run the pipeline parallel and within 15 feet of a waterbody in 28 locations, even though FERC standard is greater than 15 feet. **Allowing for less than a 50-foot setback is also against the Jordan Lake Rules,⁴ which are in place to protect streams from nutrient and sediment impairment.**
- Erosion and sedimentation is an ongoing concern in the Haw River basin, and many of our streams are impaired due to poor benthic life. Sedimentation, erosion, and increases in stormwater velocity, has left many creeks with steep, inaccessible banks, void of healthy aquatic habitat. Cutting forested streamside buffers and wetlands increases the risks of erosion and sedimentation, making the water muddier and impacting aquatic life. The risk of increasing erosion, sedimentation, and turbidity levels should not be minimized.
- All of these streams in the Haw River basin must adhere to the Jordan Lake rules, which requires strong nutrient protections and sedimentation measures. Mountain Valley's requirement to restore the ground surface "to original contours as closely as practicable" leaves us with serious concerns. We have seen the work MVP contractors have done on the mainline and have little faith that these requirements will be met at all. However, leaving so much subjectivity in what is or what is not practicable allows MVP Southgate to argue the the bare minimum is all that is necessary. This is a sensitive watershed and this project will not be completed in a way that prevents serious watershed degradation.
- Due to the impairment in the Haw and Jordan Lake, variance requests for Jordan Lake Buffer Rules should be denied. Work area setbacks of 50 feet or less and 15 foot buffers on waterbodies and wetlands is inadequate and does not adhere to the Jordan Lake Rules, which are in place to protect streams from nutrient and sediment impairment.
- Many public water supply intakes are located downstream of these stream crossings, but further than three miles downstream. Many of the contaminants that could impact drinking water quality do not breakdown. Therefore, this three mile limit for downstream impacts is not an accurate assessment of the full scope of impacts.
- Dam - and - pump or flume methods can cause potentially irreversible degradation to stream health.⁵ In order to adequately assess impacts, the crossing methods should be specified for each stream crossing in the initial 401 in order for thorough review and comment.

⁴<https://deq.nc.gov/about/divisions/water-resources/water-planning/nonpoint-source-planning/jordan-lake-nutrient#rules-and-implementation>

⁵ <https://www.popsoci.com/fracking-pollution-stays-in-waterways-long-after-fracking-is-done/>

- Including subjective clauses like "when practicable" leaves too much discretion to MVP Southgate contractors. **We have seen over 300 water quality⁶ and sediment and erosion control violations on the mainline done by the same teams.**
- Much of the pipeline is in the flood zone of the Haw River, which has seen record flooding the past two years.⁷ This volume and velocity of water will be increased with less buffer protection, a denuded right-of-way, and compacted soils from heavy machinery. The Haw River watershed has extremely flashy flow tendencies. The high and low flow points have not been factored into this review.
- Blasting and heavy equipment can damage infrastructure and make well water unsafe. Landowner well surveys have not been completed and locations of wells and springs are unknown and therefore impacts cannot be assessed.
- Communities already face contaminated drinking water sourced from the Haw River, the Dan River and surface water reservoirs. The risk of contaminated wells is a significant risk. Many of these contaminants can go undetected in drinking water, due to no color or scent. Private well owners are financially responsible for testing well water; this testing is extremely cost prohibitive, potentially leaving many landowners unaware of contamination.
- **Crossing Stony Creek Reservoir is a threat to over 50,000 people who depend on the reservoir for protected drinking water.⁸**

Other

- Countless dangers for forests, endangered species, fish nurseries, and public lands that are used for recreation and other purposes.
- The fracked gas industry pollutes our clean air and clean water and it threatens our health, climate and communities.
- Methane emissions from fracking, pipeline leaks and compressor stations will contribute to climate change. Methane is the primary component of fracked gas, and over its first 20 years in the atmosphere is actually 87 times more potent as a greenhouse gas than carbon dioxide, accelerating climate change.
- This pipeline will bring more polluting, climate-disrupting fracked gas into North Carolina. We are already experiencing the effects of climate change, from more powerful hurricanes threatening our coasts to disrupted seasons harming our farmers.⁹
- North Carolina deserves better: investments in fracked gas lock us into generations of dependence on dirty fuels at a time when major companies like Walmart, General Motors, and Apple are switching to 100% clean, renewable energy sources.
- One of the companies that makes up MVP LLC recently capped its investment in MVP.

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<https://www.sierraclub.org/press-releases/2018/07/more-150-mvp-water-quality-violations-revealed-clean-water-advocates-new-map>

⁷ <https://water.weather.gov/ahps2/inundation/index.php?gage=hawn7>

⁸ <http://www.ci.burlington.nc.us/994/Water-Resources-Department-Facts>

⁹ [North Carolina Climate Office. effects of climate change in the Southeast](#)