



Ohio Valley Environmental Coalition

Supporting Organized Voices and Empowered Communities Since 1987

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

Re: WVR310872

To: dep.comments@wv.gov

Cc: edward.f.maguire@wv.gov; john.m.s.king@wv.gov; Dennis.O.Stottlemyer@wv.gov;
Jon.M.Bosley@wv.gov

Dear Ms. Mullins et al:

Please accept these comments from OVEC, the Ohio Valley Environmental Coalition, regarding the proposed Mountaineer Express Pipeline (MXP) stormwater permit.

The comments below are all we can manage at this time; we request that DEP extend the comment period as we have not really had sufficient time to review the permit. We repeat our request that DEP host a public hearing on this permit in at least one of the southern-most counties to be impacted by this permit (Putnam, Cabell or Wayne), due to the higher human population density in these counties as compared to the two counties where two hearings took place.

Per the final EIS MXP narrative, the land disturbance resulting from MXP totals 3,647.9 acres. That's a massive land disturbance without even adding in all the other under-construction or proposed pipelines (for both wet and dry gas) in West Virginia. DEP should slow down and not issue permits for these pipelines until the agency undertakes an inventory of all the proposed pipelines that includes a cumulative or aggregated impact study of the runoff potentials of these projects. A cumulative impact study of increased runoff potential should also consider the land disturbance from all the increased fracking-related activity that would be required in order to feed gas to these pipelines, as well as the potential for far-more severe storm events (resulting in more runoff) that would result from all the increased greenhouse gas emissions this incredible increase of fossil fuel extraction would generate due to methane emissions and leaks, as well as increased heavy truck traffic.

The permit does not meet the requirements of your DEP's Oil and Gas Construction Stormwater General Permit. TransCanada/Columbia Gas Transmission (the applicant) has failed to show that impacts of the potential pipeline's construction to water quality have been minimized.

Due to the steep terrain MXP is proposed to traverse, traditional means of erosion control—such as silt fences and “socks”—have largely proven inadequate on multiple other projects, as we have seen with construction of the Rover Pipeline and silt fence failures in Cabell County, near the SM-80 pipeline construction. DEP should learn from the lesson of Rover and other steep-terrain pipeline construction failures and revise this permit so that more effective alternatives are mandated to control erosion.

The permit would allow for wet trench crossing methods for minor water bodies. This would cause increased sedimentation in streams, which would cause harm to aquatic life. Wet trench crossing of impaired streams would cause exceedance of water quality standards; these streams would then be exceeding their total maximum daily loads for pollution, which would cause harm to aquatic life. Some of the multiple streams MXP would cross provide habitat to rare and potentially endangered species of mussels. These streams must be surveyed and the species documented. Rare species of birds, such as the Cerulean Warbler, bats and other species depend upon healthy streams and intact forest tracts along the proposed MXP route; they, therefore, should also be surveyed and measures should be taken to ensure their habitat is unharmed, prior to approval of this permit.

For all streams that MXP would traverse, the permit should require the establishment of baseline data prior to any construction. Only by knowing what conditions already exist can we know what impacts construction of MXP would have on water quality. The permit should require at least monthly water testing for (at least) ph levels, turbidity, conductivity, temperature, and heavy metals such as lead, arsenic and selenium. Such testing should take place, as noted, prior to any construction in order to establish those baselines, but should continue during construction and start-up periods on a monthly basis. Testing should continue for the duration of the pipeline’s operation. The applicant should pay the costs for this testing and the data should be available to the public in a timely manner (at minimum two weeks after the data was gathered).

The permit should require at least monthly site visits from the DEP on all active construction at stream crossings, and the permit should allow for citizens, upon request, to accompany DEP officials on these visits.

We note that the applicants propose to use rip rap for stream restoration, disregarding DEP’s preferred method of restoration, which uses natural stream channel design techniques.

The permit application fails to include engineering calculations for the sizing of culverts. The DEP and the public need this information in order to determine if the sizing of culverts is adequate. Other data that would help the DEP and public determine if the permit requirements would protect water quality is missing from the application; that is, there is no mention of site-specific spacing distances for trench line barriers.

DEP and vigilant citizens will not be able to determine if construction of MXP is impacting water quality because no water quality monitoring is proposed. The permit should require that water monitors should be installed at sensitive stream crossings, similar to the efforts being conducted along proposed pipeline routes in Virginia.

Our state’s waters deserve better protection than what would be allowed by this permit. Water is our most precious resource in this state, and the absolute best practices and regulatory enforcement levels are

necessary to protect it. After all, the health and wellbeing of West Virginians ultimately depends on clean water.

Thanks you for your attention,

Vivian Stockman
OVEC vice director