

# COMPLAINT INSPECTION REPORT

<b>Project Name:</b>	Mountain Valley Pipeline	<b>Inspector:</b>	John McCutcheon
<b>Inspection Date:</b>	Friday, May 15, 2020	<b>Project Contact:</b>	Brian Clauto, Randy Clark
<b>Spread:</b>	Spread H	<b>Weather (Wet/Dry/Rain):</b>	Dry

**STAGE OF CONSTRUCTION:** (Check all that apply)

- Clearing                       Rough Grading                       Trench Excavation                       Pipe Assembly, Testing & Installation  
 Backfilling and Grade Restoration                       Final Grading & Stabilization                       Other: Maintenance of E&S Controls

Yes No N/A

- 1 Are controls installed and implemented in accordance with the approved erosion and sediment control plan and stormwater management plans?
- 2 Are all control measures properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications?
- 3 Areas of offsite sediment deposition were observed?

**Background:**

This report is for an inspection in response to a complaint of failing E&S controls where the ROW intersects Yellow Finch Lane at MP 237.3. The complaint was made by Freda Cathcart with a request that a representative from DEQ and a civil engineer meet her so that she could point out her specific areas of concern. Ms. Cathcart also invited Nan Gray, Tom Adams (Skyland Soil and Water Conservation District Director) and a legislative aide who did not attend. MBP staff Angie Gwynn and Cody Bain accompanied DEQ on the inspection. Because the area to be inspected is at the campsite of protestors opposing the project, MVP security escorted the DEQ/MBP personnel onto the site.

Neither Ms. Cathcart nor her invitees were at the site when the DEQ/MBP/MVP party arrived at the site. Yellow Finch Lane was blocked by a group of protestors holding banners across the road where the two vehicles parked. Immediately, the protestors began to accost the group with taunts, catcalls, obscenities and generally disruptive behavior. Ms. Cathcart, Ms. Gray and Mr. Adams arrived a short time later and McCutcheon began the meeting with introductions. Communication was difficult because all were wearing cloth masks and because of the protestors' continuous disruptions. Mr. Adams immediately left the meeting, citing his inability to be heard. Ms. Gray began recording McCutcheon with her phone and he asked if she would stop. She refused. McCutcheon, Bain and Gwynn accompanied Cathcart as she showed the areas of concern.

**Observations:**

1. The group, including the protestors, moved to a point on Yellow Finch Lane where compost filter socks lining the road had been overtopped. The road had recently been improved by the addition of stone in problem areas. There was a small amount of sediment trapped on the road side of the filter sock. Immediately below the road was an area where it appeared sediment had been deposited at an earlier date. The area was stabilized with vegetation and there was no evidence of recent erosion. The stream below this area was flowing clear and there were no visible sediment deposits in the stream bed. McCutcheon began a discussion about the E&S controls, but was unable to converse due to constant interruption and disruption by the protestors. McCutcheon stated that additional layers of compost filter sock along the roadway would not be recommended because of concerns for increased ponding water on the road.
2. Cathcart, McCutcheon, Gwynn and Bain walked up the slope to the first waterbar end treatment above the road. Communication was much better away from the protestors who remained at the road with the MVP security people. Cathcart described coming to this location immediately after rain events and seeing the compost filter sock overflowing with water coming through and under the filter sock end treatment. She also pointed out scouring of the ground surface outside the ROW where runoff had moved leaf litter covering the ground. Compost filter sock checks had been installed just outside the perimeter controls. McCutcheon began to discuss how the filter sock was part of a larger control measure (waterbar, sump and end treatment) intended to collect and discharge runoff from the steep ROW. He noted that what she observed after the storm was normal draining down of the controls and not a failure. McCutcheon pointed out erosion around the end treatment and a low area where the waterbar might overflow before the filter sock end treatment. He also noted that E&S controls degrade over time as they function and following rain events, it is normal that there will be controls that require maintenance. Cathcart did not take interest in discussing the controls or their

normal operation, inspection or maintenance routines, but wanted to move on to the next spot, noting she had an engagement that afternoon would need to leave shortly.

3. The group moved up to the next waterbar up the slope and Cathcart mentioned a hole she observed under the filter sock and asked Gwynn to look at it. Gwynn said she could not find a hole. McCutcheon noted that the end treatment was intact and appeared to not need maintenance. Cathcart asked to move on to the next spot she wanted to show,
4. The group moved up to a spot higher up the ROW where a dirt road crossed the ROW to an area that had been recently logged. She pointed to a spot where she had seen water flowing from an E&S blanket covering the slope, onto and down the dirt road offsite. There was no erosion observed at that point and no erosion or sediment deposition observed on the dirt road. Bain began discussing how sequencing of the work with the installation of controls works on the project, but could not complete but a few sentences before being interrupted by Cathcart. At that point McCutcheon recommend Cathcart attend DEQ's E&S training so she would have a clearer idea of how the state E&S program, regulations and controls work. She agreed that would be a good idea and at that point she departed down the dirt road to Yellow Finch Lane. From there she left the meeting.
5. The group descended the ROW and returned to Yellow Finch Lane. Upon arrival at the road, the protesters resumed taunting the group. MVP security pointed out that both vehicles had been sprayed with aerosol cheese while the inspection group was up on the ROW. McCutcheon had a concluding discussion with Gray, made difficult by the continuous mocking, taunts and disruption by the protesters. She asked about the use of plastic covering on the slope and McCutcheon explained its function. She asked if there is a note on the E&S plan saying that the intent is to protect streams and wetlands. McCutcheon replied that the whole purpose of the plan is to protect resources and properties but that he was not aware of a specific note on the plan saying that. Gray concluded saying that the plan is not effective and needs to be redone with sediment trapping measures installed on the ROW to treat and limit discharge. McCutcheon replied that approach is not appropriate to linear utility construction on steep slopes absolutely would not work.
6. After cleaning the cheese sprayed on the trucks, the two vehicles carrying the DEQ/MBP/MVP people were prevented from leaving the area by the protestors who blocked the road out. To exit the area MVP security exited their vehicle and walked between the protesters and the vehicles in order to move the protesters along while they slow-walked down Yellow Finch Lane. The protesters continued to slow the exit and taunt the group until the vehicles reached Cove Hollow Road and were able to pull away. .
7. Recommended corrective actions resulting from the inspection:
  - a. Remove sediment trapped on filter socks on Yellow Finch Lane.
  - b. Repair eroded waterbar channel and extend compost filter sock end treatment overt low point to direct overflow across filter socks.

**Deadline:** Within 72 hours of receipt

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: 

Date: May15, 2020

# INSPECTION REPORT and REQUEST FOR CORRECTIVE ACTION

Project Name: Mountain Valley Pipeline

Date: May 15, 2020

Regulatory Citation/Legal requirement <sup>1</sup>	Observation/Recommended Corrective Action
(Va. Code §62.1-44.15:31) (MVP Standards & Specifications for VA, p. 1) (9VAC 25-840-60.A).	<p><b>Observation:</b> Waterbar above Yellow Finch Lane is eroded and overflow will go over earthen dike.</p> <p><b><u>Recommended Corrective Action:</u></b> <i>Repair erosion and extend filter sock on end treatment to ensure overflow will be over the compost filter socks.</i></p>
(Va. Code §62.1-44.15:31) (MVP Standards & Specifications for VA, p. 1) (9VAC 25-840-60.A).	<p><b>Observation:</b> . Sediment deposited at compost filter sock at low point on Yellow Finch Lane.</p> <p><b><u>Recommended Corrective Action:</u></b> <i>Remove sediment deposited on road side of filter sock.</i></p>

Recommended Corrective Action Deadline: Within 72 Hours of notice

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.



Inspector Signature: \_\_\_\_\_ Date: May 15, 2020

<sup>1</sup> Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), Annual Standards and Specifications for Erosion & Sediment Control (ESC) and Stormwater Management (SWM) for Mountain Valley Pipeline (MVP) LLC as revised June 2017.

## FIELD INSPECTION PHOTO LOG

Project Name: Mountain Valley Pipeline

Date: Friday, May 15, 2020

Comment 1.



Eroded waterbar will overflow over dike.

Comment 3.



Sediment at filter sock on Yellow Finch Lane.