

Virginia Department of Environmental Quality's investigation into the Mountain Valley Watch report titled "Mountain Valley Pipeline Stabilization, Pittsylvania County, VA"

March 17, 2020

On March 2, 2021, Mountain Valley Watch (MVW) submitted a report via email to the State Water Control Board with a copy to Department of Environmental Quality (DEQ). The title of the report dated February 26, 2021, is "Mountain Valley Pipeline Stabilization, Pittsylvania County, VA". The report is comprised of approximately 3 pages of text followed by 37 aerial photographs of the portion of Mountain Valley Pipeline's (MVP) right-of-way in Pittsylvania, a distance of 19 miles and about one half of the length of Spread I.

The report includes a brief discussion of the two Minimum Standards (MS) from the Virginia Erosion and Sediment Control Regulations, which address the requirements for temporary and permanent stabilization during regulated land-disturbing activities. The discussion of the MS is followed by excerpts from Standards and Specifications 3.31, and 3.32 from the *Virginia Erosion and Sediment Control Handbook (VESCH)*, which specify the erosion control measures for Temporary and Permanent Seeding. The report concludes with a brief discussion of the soils found on this Spread of the project and their characteristics, followed by the captioned aerial photographs.

Most of the photographs were taken on January 14, 2021. The photographs "identify areas of inadequate soil cover" to support the report's allegation that "seeding of disturbed areas in the MVP right-of-way has not met minimum cover requirements". Captions included with each photograph identify various locations along the right-of-way, noting that vegetative cover is sparse. (See Photos 1. & 3. below.) Some captions include requests for inspection and reseeded. In contrast to the many photos showing sparse vegetation, three photographs show parts of the project that are acceptably vegetated. (See Photo 5.)

Even though the MVW report did not include observations of sediment being discharged from the right-of-way, DEQ treated it as a complaint and assigned an incident response number in its PReP database. This was done to investigate MVW's allegations of non-compliance and document the findings in this report. Upon DEQ's request, MVP produced records of its recent stabilization activities on spread I that show temporary seeding was applied in various areas in Pittsylvania from May 2020 through March 2021. On this project, temporary seeding is always applied with an additional soil stabilizing material, which may include straw mulch, erosion control blankets and matting, hydraulically applied bonded fiber matrix or biotic soil media and aerial or hand-applied stabilization pellets. (See Photo 7.)

Although regular routine inspections by MVP, DEQ and its contract inspectors from the consulting firm McDonough Bolyard Peck (MBP) have been ongoing, DEQ immediately investigated the project area in Pittsylvania subsequent to receipt of MVW's report. Between March 3<sup>rd</sup> and March 9<sup>th</sup> 2021, one DEQ and three MBP inspectors walked the right-of-way looking for areas of unacceptable stabilization, control measures that needed maintenance and

for sediment leaving the right-of way. Over those five days of inspection, one control measure was detected in need of routine maintenance. Soil stockpiles and stream buffers were observed to be well vegetated and in good condition. (See Photo 8.) No areas were found to be unstabilized, showing soil movement, rill erosion or significant deposition of sediment in the sediment-trapping controls. There were no observations of sediment deposited off the project limits. Additionally, during these March inspections, MVP was observed actively applying seed and stabilization materials from the ground and from the air using two helicopters. (See Photos 7. & 9.)

Inspected areas that were permanently stabilized had acceptable vegetative cover, being uniform, mature enough to survive and inhibiting erosion as required by Minimum Standard 1. (See Photo 6.) Areas that were temporarily stabilized had some vegetation in varying stages vigor and effectiveness in soil stabilization. Where temporary vegetation was observed to be in poor condition, soil stabilization was provided by straw mulch, blankets and matting, hydromulch or stabilization pellets. (See Photos 2., 4. & 8.) Inspectors observed that some of the temporary vegetation (annual grasses or grains) were in a mature or dormant condition and that straw in some areas had become stained by the underlying soil. This may be a reason why areas that were observed on the ground to be stabilized during the inspections appeared to have no cover in the aerial photographs in the MVW report. (See Photos 1. & 2.)

In conclusion, based on observations made as a result of the investigation conducted by DEQ in response to the MVW report, the MVP project in Pittsylvania County appears to be in compliance with the requirements for soil cover. Temporary and permanent stabilization has been applied in accordance with the *VESCH* and MVP Standards and Specifications. Temporary stabilization in accordance with the requirements of Minimum Standard 1 is provided in by a combination of vegetation and other soil stabilization materials. Permanent stabilization is provided by vegetation that is in accordance with the requirements of Minimum Standard 3. Presently, MVP is appropriately accelerating its activities to maintain stabilization measures that have undergone the typical degradation brought on by the winter season. (See Photos 7., 9., 10., 11. & 12.)

Prepared by:



John R. McCutcheon  
DEQ Construction Stormwater Inspection Coordinator

Photo 1.  
MVW Photo Jan. 14, 2021 at MP 291 showing alleged inadequate vegetative stabilization.

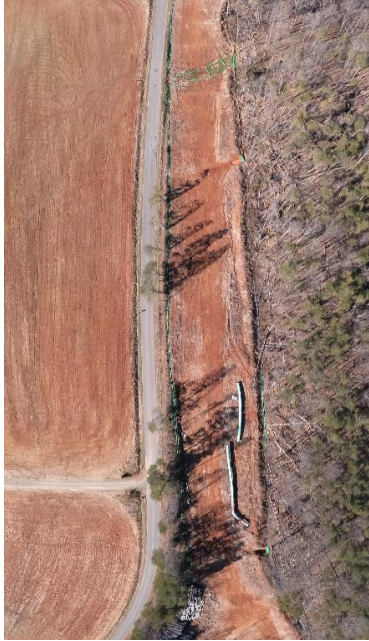


Photo 2.  
MBP Photo Mar. 4, 2021 near MP 291 showing temporary stabilization with straw. Note straw is stained by red soil.



Photo 3.  
MVW Photo Jan. 14, 2021 at MP 302.1 showing alleged inadequate vegetative stabilization.



Photo 4.  
MBP Photo Mar. 5, 2021 at MP 302.1 showing poor vegetative cover with additional straw providing temporary stabilization.



Photo 5.  
MVW Photo Jan.14, 2021 of MP 293.1 showing adequate vegetative stabilization.



Photo 6.  
MBP Photo Mar.4, 2021 near MP 293.1 showing adequate vegetative stabilization.



Photo 7.  
MV Photo Jan. 23, 2021 showing application of straw mulch over seeded area to maintain temporary stabilization.

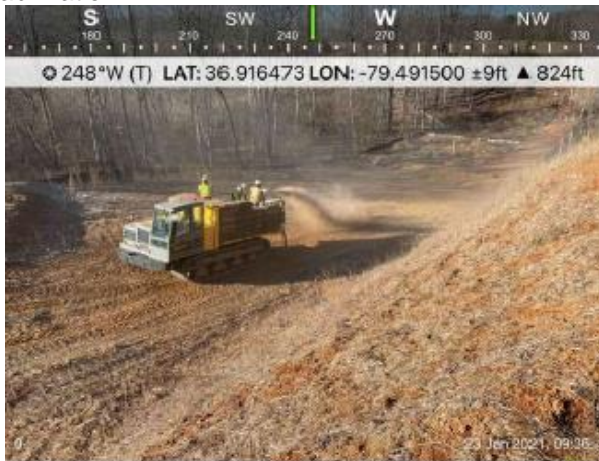


Photo 8.  
MBP Photo Mar. 4, 2021 showing E&S controls at stream crossing, stream buffer and stabilized topsoil stockpiles in good condition.



Photo 9.

MBP Photo Mar. 3, 2021 showing maintenance of temporary stabilization by aerial application of seed and hydromulch.



Photo 10.

MBP Photo Mar 8, 2021 near MP 286 showing temporary stabilization after aerial application.



Photo 11.

MBP Photo Mar. 2, 2021 of MP 285.6 showing temporary stabilization degraded by winter weather.



Photo 12.

MBP Photo Mar 8, 2021 of MP 285.6 showing new application of seed, hydromulch and straw to maintain temporary stabilization.

