

FRANKLIN COUNTY  
Board of Supervisors



Franklin County  
*A Natural Setting for Opportunity*

EXECUTIVE SUMMARY

<p><b>AGENDA TITLE:</b> Mountain Valley Pipeline Project Update</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Resolution concerning Mountain Valley Pipeline</p> <p><b>STRATEGIC PLAN FOCUS AREA:</b></p> <p><b>Action Strategy:</b> N/A</p> <p><b>STAFF CONTACT(S):</b> Robertson, Whitlow, Sandy</p>	<p><b>AGENDA DATE:</b> October 20, 2015</p> <p><b>ITEM NUMBER:</b></p> <p><b>ACTION:</b> Yes</p> <p><b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b> No</p> <p><b>ATTACHMENTS:</b> No</p> <p><b>REVIEWED BY:</b> PR</p>
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**BACKGROUND:** On September 15, 2015, the Board was presented with an overview of the Mountain Valley Pipeline project proposed to transect Franklin County. Steven Sandy discussed some actions from other localities as well as a resolution that Roanoke County was prepared to adopt at their September meeting. The resolution from Roanoke County petitions the Governor of Virginia to take some specific actions related to erosion and sediment control and storm water management review of this project, including:

1. The Governor of VA to provide adequate direction and resources to VA DEQ to adequately oversee and manage the project.
2. VA DEQ to require project-specific Erosion and Sediment Control and Storm water Management Plans for project.
3. Prior to construction, VA DEQ to require MVP officials and their inspectors to meet with local officials to discuss implementation of plans.

The Board discussed the matter and requested staff to prepare a similar resolution for their consideration. The Board also requested staff to prepare an estimate of potential costs to the County to provide review and inspection activities related to the pipeline construction in Franklin County.

**DISCUSSION:** One concern of the Board of Supervisors and citizens in the case of the proposed Mountain Valley Pipeline seems to be that, if linear multi-jurisdictional land disturbance is permitted at the state level, such permit will be general in nature and lack thorough review and monitoring. Staff has determined that the project will be reviewed under an annual general permits issued and monitored by VA DEQ. Staff has reviewed the resolution adopted by Roanoke County that requests that the state assure

local governments that a thorough environmental review will be conducted. Staff is in agreement with the language of the resolution to require adequate oversight of project, require project specific plans and allow local input into review of plans and inspection process. Therefore, staff has prepared a draft resolution modeling the Roanoke County resolution for consideration and adoption.

This resolution does not request that the State of Virginia grant local authority in the review, approval and/or inspection of this project. However, if VA DEQ requires MVP officials and their inspectors to meet with local officials and discuss implementation of the plan as requested in the resolution, additional staff time will be required to be devoted to this project. At this point, the amount of involvement and staff requirements are unknown.

Staff has prepared some draft cost estimates for inspections of the pipeline if authority was granted. Three possible scenarios are outlined for informational purposes only.

**RECOMMENDATION:** Adopt the attached resolution requesting further action by the Governor of Virginia and VA DEQ. Furthermore, staff recommends that this resolution be sent to state legislators representing Franklin County.

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF FRANKLIN, VIRGINIA  
REQUESTING THE GOVERNOR OF VIRGINIA TO REQUIRE THE VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) TO PROVIDE  
APPROPRIATE PLAN REVIEW AND CONSTRUCTION OVERSIGHT OF THE  
MOUNTAIN VALLEY PIPELINE PROJECT TO PROTECT SURFACE AND  
GROUNDWATER RESOURCES**

**WHEREAS**, the proposed Mountain Valley Pipeline (MVP) project is a natural gas pipeline system that spans approximately 300 miles from north-western West Virginia to southern Virginia – and, as an interstate pipeline, will be regulated by the Federal Energy Regulatory Commission (FERC). The MVP will be constructed and owned by Mountain Valley Pipeline, LLC, which is a joint venture of EQT Midstream Partners, LP; NextEra US Gas Assets, LLC; WGL Midstream; and Vega Midstream MVP LLC. EQT Midstream Partners will operate the pipeline and own a majority interest in the joint venture. The MVP project will potentially impact six Virginia Counties, including Franklin County.

**WHEREAS**, sedimentation caused by accelerated erosion from land-disturbing activities during construction is a significant contributor to pollution of the surface waters of Virginia and the United States; and

**WHEREAS**, many miles of the proposed Mountain Valley Pipeline (MVP) project would traverse highly erodible soils with very steep slopes in Franklin County; and

**WHEREAS**, Franklin County is required by the Virginia Department of Environmental Quality to implement a comprehensive stormwater management and erosion and sediment control program to reduce the environmental impacts of development projects within the County; and

**WHEREAS**, Franklin County has been assigned a Total Maximum Daily Load (TMDL) for sediment in the Roanoke River and is required by the Virginia Department of Environmental Quality to implement an action plan to lower sediment loads to the Roanoke River to meet the TMDL; and

**WHEREAS**, the required amount of land-disturbance associated with the MVP excavation far exceeds the area of all land disturbing activities in a typical year for Franklin County and has the potential to cause severe erosion in the County's steep mountainous terrain and sedimentation in County's lakes, rivers and streams; and

**WHEREAS**, many Franklin County citizens rely on untreated groundwater from wells or springs for their domestic water supplies; and

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**WHEREAS**, without very careful engineering and construction oversight, erosion and sediment from the construction of the proposed Mountain Valley Pipeline could have severe negative consequences for the County's lakes, streams, and rivers as well as its domestic, agricultural, and business water supplies; and

**WHEREAS**, the outdoor beauty and unspoiled nature of Smith Mountain Lake and its tributaries is integral to the County's ability to attract tourism and recreation to the region; and

**WHEREAS**, the Virginia Department of Environmental Quality has the authority to require the submission of site-specific erosion and sediment control plans and stormwater management plans, the authority to review and approve these plans, and the authority to conduct inspections and enforcement of these plans during the construction of the Mountain Valley Pipeline; and

**WHEREAS**, the Freedom of Information Act can be used to obtain public and local government access to such plans, but only if the Virginia Department of Environmental Quality requires the submission of the plans to the agency by the pipeline developer.

**WHEREAS**, the Virginia Department of Environmental Quality has publicly stated that it does not have sufficient resources to provide adequate oversight to linear construction projects, including pipeline projects such as the Mountain Valley Pipeline.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Franklin, in consideration of the points made above, request that:

1. The Governor of Virginia provide adequate direction and resources to the Virginia Department of Environmental Quality to execute its role laid out in the Code of Virginia to adequately oversee and manage the environmental aspects of the construction of the Mountain Valley Pipeline project; including reviewing plans, conducting inspections, enforcing regulations, and when appropriate, reviewing the project-specific plans for the proposed Mountain Valley Pipeline; and
2. The Virginia Department of Environmental Quality is petitioned to require project-specific Erosion and Sediment Control and Stormwater Management Plans for environmentally sensitive areas of the proposed Mountain Valley Pipeline project that meet all Virginia standards, and that these plans be made available to the County and to the public for review and comment prior to project approval and that the approved plans be made available to the County and the public prior to construction; and
3. Prior to construction, the Virginia Department of Environmental Quality is petitioned to require Mountain Valley Pipeline, LLC officials and third-party inspectors to meet with local officials to discuss the implementation of the project-specific Erosion and Sediment Control and Stormwater Management Plans.

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**AND BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Franklin, Virginia hereby directs the County Administrator to transmit this resolution to: the Governor of Virginia Terry McAuliffe with copies to the Federal Energy Regulatory Commission (FERC) for inclusion in pre-filing Docket Number PF-15-3-00, Virginia Senators Newman and Stanley, Virginia Delegates Byron and Poindexter, of the Virginia Secretary of Natural Resources Molly Ward, and Virginia Department of Environmental Quality Director David Paylor as well as the County Administrators of the other affected Virginia Counties.