

FRANKLIN COUNTY
Board of Supervisors



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Mountain Valley Pipeline Project Update</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Discuss erosion and sediment control issues and actions by neighboring jurisdictions.</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><u>Action Strategy:</u> N/A</p> <p><u>STAFF CONTACT(S):</u> Robertson, Whitlow, Sandy</p>	<p><u>AGENDA DATE:</u> September 15, 2015</p> <p><u>ITEM NUMBER:</u></p> <p><u>ACTION:</u> No</p> <p><u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>REVIEWED BY:</u></p>
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BACKGROUND: On August 18, 2015, Neil Houthouser (former Planning Director) presented the Board with an overview of the Mountain Valley Pipeline project proposed to transect Franklin County. He also presented a draft resolution that a citizens group requested the Board to adopt. The resolution requested that Franklin County petition 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) A commitment from DEQ that it will require project specific E & S plans; 2) A guarantee that local governments will have the right to conduct their own plan review and site inspections; 3) A requirement that the pipeline developer and third party inspectors hold pre-construction meetings with local officials to discuss project-specific implementation of required E & S and Stormwater Management measures.

The Board discussed the matter and chose not to adopt the requested resolution. At the conclusion of the discussion, the Board directed staff to provide a status report at the September 15th meeting including an update on any activities of neighboring jurisdictions concerning the E & S matter.

DISCUSSION: The concern 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. To date, staff has been unable to locate a definitive source within DEQ or other state agency to speak to the state's intended permitting posture for the proposed pipeline. The pipeline has not yet been authorized by FERC; until such time as it is approved by the FERC, staff believes it is unlikely that DEQ will officially announce or comment on its permitting posture. Staff has continued to follow this proposed project and learn more about permitting requirements. Through conversations with peers in neighboring localities, there seems to be a general understanding among local governments that the project will be reviewed under an annual general permit issued and monitored by DEQ. Staff notes that other localities are considering similar

petitions to the Governor, requesting that the state declare its permitting posture and assure local governments that a thorough environmental review will be conducted.

Mountain Valley Pipeline is expected to file a Section 7C application to FERC in October. Section 7(c) Certificates of Public Convenience and Necessity (PC&N). A natural gas company must obtain a certificate of PC&N from FERC in order to undertake jurisdictional service, construct or extend facilities for such service, or acquire and operate such facilities.

As previously noted, the proposed project is considered a linear utility project subject to State laws relating to erosion and sediment control and storm water management. In addition, the project is subject to Federal laws relating to water quality, wildlife and aquatic life protection and stream crossings.

Other Virginia localities have heard similar concerns from their citizens. Staff has discussed these concerns with Roanoke County and the other Virginia localities to determine the potential of creating a resolution to possibly be adopted by all Virginia jurisdictions affected by the proposed pipeline, thereby requesting that the State of Virginia provide adequate funding and/or personnel to the DEQ to sufficiently staff the appropriate office(s) to assure that proper review and inspections of construction activities can be ensured throughout the length of the proposed project in Virginia.

RECOMMENDATION: Per consensus of the Board, staff will continue to work with other Virginia localities affected by the proposed corridor in the coming weeks to coordinate possible draft resolution language for the Board's consideration at the October 2015 meeting.