



west virginia department of environmental protection

Division of Waster and Water Management
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Austin Caperton, Cabinet Secretary
dep.wv.gov

March 29, 2019

Re: WV Permit No. WV0116815
Registration Application No. WVR311281
Mountaineer Gas Company
Route 9 Extension
Responsiveness Summary

Dear Commenter,

The State of West Virginia, Department of Environmental Protection (DEP), Division of Water and Waste Management (DWWM) issued a State General Water Pollution Control Permit to regulate the discharge of stormwater runoff associated with oil and gas related construction activities. This General Permit authorizes discharges composed entirely of stormwater associated with oil and gas field activities or operations associated with exploration, production, processing or treatment operations or transmission facilities, disturbing one acre or greater of land area, to the waters of the State. WV0116815 (Stormwater Associated with Oil and Gas related activities) was issued on May 13, 2013. It became effective on June 12, 2013 and expiration has been extended until March 31, 2019.

MOUNTAINEER GAS COMPANY, (Mountaineer) proposes to construct and operate the Route 9 Extension Project located in Berkeley and Jefferson Counties, West Virginia and involves the construction of approximately 4.85 miles of natural gas distribution line. The project includes access roads, 12.22 acres entirely within the Department of Highways Right-of-way and 13.16 acres of private Right-of-way (ROW). The total limit of disturbance (LOD) for the overall project is 25.38 acres, including temporary workspace

DWWM published a Class I legal advertisement (public notice) in The Journal. This public notice allowed the DWWM to receive public comments on the proposed project. The public notice/public comment period closed on February 25, 2019.

The DWWM would like to take this opportunity to thank those who submitted written comments on this application. The DWWM has made every attempt possible to ensure that all questions/concerns related to the application were addressed. The attached Responsiveness Summary highlights the issues and concerns that were identified through written and oral comments received during the comment period.


The Responsiveness Summary is organized such that comments frequently mentioned, or general in nature, or outside the scope of DEP's authority, are responded to in Section A (General Comment Responses). More specific comments on the Construction Stormwater Permit Registration, and our response, are found in Section B (Construction Stormwater Permit Registration - Specific Comments, none specific comments and Responses).

Promoting a healthy environment.

This permit registration will be issued on March 29, 2019. Notice is hereby given of your right to appeal the terms and conditions of this permit registration of which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after issuance of this permit registration.

Thank you for your interest and comments on the Mountaineer Gas Company application. If you have any further questions or concerns, please do not hesitate to contact Rick Adams of my staff at 304-926-0499 ext. 1354 or by email at Rick.d.adams@wv.gov.

Sincerely


Harold D. Ward
Acting Director

Section A: General Comments Responses.

In many cases multiple comments were provided on specific sections or issues, and those responses have been categorized to the extent possible below:

- A. **Karst Response:** The Mountaineer Gas proposed Route 9 Extension project will cross karst terrain in Berkeley and Jefferson Counties, West Virginia. The Project (Project) will disturb 25.38 acres and consists of the installation of approximately 4.85 miles natural gas distribution pipeline. The project includes access roads, 12.22 acres entirely within the Department of Highways Right-of-way and 13.16 acres of private Right-of-way (ROW).

This project will cross areas associated with potential karst features. A comprehensive, Karst Assessment was completed for the project route and is included in Appendix E. The Assessment included a desktop review to identify areas of potential karst features followed by a field survey to validate the desktop review and identify additional karst features.

Based on the Assessment, the pipeline was routed to avoid direct impact to potential karst features where possible. In addition, precautions and best management practices were identified to prevent and minimize adverse impacts associated with surface storm water runoff to off-site features. The limited size and scope of the project allowed project specific construction details to be developed for areas near or through karst features should they be encountered. The construction details were developed consistent with the WV DEP Sinkhole Mitigation Guidance. The construction details for this project are shown on the Erosion & Sediment Control (E&SC) Plans provided in **Appendix C**.

- B. **Additional Stormwater Runoff Response:** All non-impervious areas in the ROW disturbed by the project will be restored to their approximate original conditions and their preconstruction contours. Existing impervious areas disturbed by the Project will be restored with similar construction materials and to approximate original conditions, and contours. In addition, temporary and permanent slope breakers or right-of-way diversions will be constructed at the DWWM required spacing. Temporary and permanent slope breakers and the incorporation of drainage dissipation devices are intended to control and reduce runoff velocity and divert upland surface flows from the construction right-of-way thereby minimizing both the contributing watershed size and the time and concentration of stormwater runoff onto disturbed areas. These devices also assure that any discharges from the affected areas pose minimal off-site erosion risk.

Mountaineer's Erosion and Sediment Control Plan was designed to control project runoff and sedimentation, while providing controls within the Limits of Disturbance (LOD) and adjacent to the LOD. The controls include construction procedures, such as minimizing the amount of disturbance, proper grading and restoration, diverting/protecting stream flows during stream crossings, and operating efficiently. Mountaineers construction techniques are consistent with the State's construction stormwater requirements, through proper implementation of the procedures, sequencing and the erosion BMPs listed in the E&SC plan, impacts to the surface and ground water will be minimized during construction. Inspections will be conducted both during and post construction. If any permit requirements are not being complied with, the responsible party will

be required to make the necessary repairs or operational changes to provide the appropriate sediment control and stream protection.

C. **Enhanced best management practices (BMPs):** Storm water management controls include both structural controls and non-structural controls. These controls are consistent with the BMPs required by the WV DEP for linear construction projects. In addition, enhanced BMPs are identified to further protect critical surface and groundwater resources. Enhanced BMPs are also warranted and have been included in this application as discharge to waters of the state with an approved Total Maximum Daily Load (TMDL) is anticipated. Enhanced BMPs include all the following:

- For all areas of disturbance within the TMDL watersheds, inspections are required at a minimum of once every seven (7) calendar days and within 24 hours of any precipitation event greater than 0.25 inches in any 24-hour period. A rain gauge must be located on-site to monitor and record daily rainfall events.
- Any needed repairs and/or maintenance of the BMPs that are identified during the required inspections must be performed immediately.
- Temporary seeding and mulching of disturbed areas must be accomplished within four (4) days if activity on the area will be idled for more than fourteen (14) consecutive days.
- Permanent stabilization of areas where construction is complete must be accomplished within four (4) days.

D. **Additional BMPs:** The following additional BMPs are provided at all right-of-way diversions (water bars) and roads:

- Right-of-Way diversion (Water bars) are proposed with sumps and reinforced filtration devices;
- Access roads with ditches, rock checks and culverts with sumps.

Section B: Construction Stormwater Permit Registration Response to Specific Comments

Comment #1: This pipeline would go through karst geology in the Eastern Panhandle of WV and would fuel a health-threatening industrial build-out here that will affect WV, VA and MD residents. These heavy industries planned for the EP would pollute the Potomac and Shenandoah Rivers, which flow into the Chesapeake Bay. **Please do not grant the permit.** We do NOT want Mountaineer Gas to build its pipeline extension to Rockwool, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities.

Response #1: As it relates to this application, these questions are addressed in Section A: General Comment Response, paragraphs A and B.

Comment #2: I am concerned about the discharge of storm water into the Potomac River during the constructions process, tainting our water source with increased sediments. Certain parts of West Virginia (Example: Gary, WV) are already experiencing undrinkable/muddy water supply. I do not want Jefferson and Loudoun Counties to suffer the same consequence.

Additionally, my understanding is that gas fracking will also threaten local water supply. I attached two links about water in Gary and about the danger of fracking gas to water supply.

I am also concerned that the construction areas are full of vulnerable sinkholes and karst terrain. It is a poorly chosen site to receive a heavy industrial gas line. Look at all the houses that blew up in other states or caught on fire in recent news?

Response #2: Questions related to discharges of storm water into the Potomac River during constructions activity are addressed in Section A: General Comment Response, paragraph B.

The question related to gas fracking is without foundation as no activity of this type is proposed by this application for registration.

The question related to construction activity in areas with sinkholes and karst terrain is addressed in Section A: General Comment Response, paragraph A.

We have no response to the comments related to houses being blown up or caught on fire in other states as they are not items subject to the jurisdictional authority of the WV DEP.

Comment #3: There is too much risk and negatives to build a pipeline to Rockwool. Our health is not for sale. Increasingly heavy rains are pummeling our watershed and I am extremely concerned that the stormwater from the extension will be constructed in a way incredibly similar to the other sections of the pipeline, which produced numerous environmental violations. Just last year Evitt's Run was overrun and untreated wastewater of unknown toxicity and quantity was released into it. Removing additional vegetation and unsettling the earth even more can only harm what is already an area that has seen increasing sediment flow into the Potomac.

Response 3: See Section A: General Comment Response, paragraph B

Comment #4: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There is the potential to ruin the water for everyone. If it does go and Rockwool opens, I will be moving from my once thought forever home and may lose everything. But I will not stay here. The only county in WV with money will turn into a poor county a toxic county.

Response 4: See Section A: General Comment Response, paragraph B

Comment #5: I am writing as a concerned citizen and a resident of the Great State of West Virginia. West Virginia NEEDS these jobs. Please look around at the communities that are being robbed because the citizens have no hope. I raised three great sons and the one ethic that they have and I am proud to say as parents we raised our boys with is work ethic. Give the young generation a chance and give them good paying jobs. Yes, my boys started out at restaurants and gas station but needed more to raise a family. They now have jobs with First Energy and CSX. They had hope but where is the vision for our grandchildren, whom I am a proud grandmother of 6 boys, and I know in 10 plus years they will be job hunting. I have worked in the natural gas industry for over 30 years and my husband worked 48 years in gas. We are very proud of our careers and fantastic tax payers. I still work and am just helping to finish 23 miles of natural gas in the Eastern Panhandle. It's hard to believe that the President of the United States said in his State of the Union speech that "THE UNITED STATES OF AMERICA IS #1 PRODUCER OF NATURAL GAS" and the Eastern Panhandle is just getting on board in 2018??? So, many people in the community have come and thanked us for helping their community and the question most asked is when can we get gas. I can say as the construction manager we have been harassed many time by false accusations of these so called people that want to protect the environment. All those citizens have done is cost the taxpayers more money. So I am asking as a proud taxpayer of West Virginia, let us prosper and not be listed as one of the poorest states in Our Great Nation.

Response 5: Related to comment 5 supporting the registration application, the comment has been reviewed and is noted.

Comment #6: I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries.

Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Response 6: See Section A: General Comment Response, paragraph B

Comment #7: I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries. Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Response 7: See Section A: General Comment Response, paragraph B

Comment #8: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do not want the pipeline, its damage to our water supplies, or the industry that will surely follow. Please honor the will of Jefferson County residents. No pipeline!

Response 8: See Section A: Comment Response, paragraph B

Comment #9: Clean water is a necessity for healthy living, and the risk this pipeline puts on clean water and the safety of our citizens is lecherous. I ask you, what is more important? The health and welfare of humans, or the greed of corporations? I believe the answer is obvious. Do you? A storm water permit for construction should NOT be granted.

Response 9: See Section A: General Comment Response, paragraph B

Comment #10: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. You know the wide spread opposition to this criminal foreign corporation destroying our state. It is unsafe in our karst geology, Rockwool is not wanted here and will never be allowed. Maryland has rejected the pipeline. So they have been lying the entire time. Now the company has other plans, they are criminals and undoubtedly they have gotten to the DEP the entire state knows everyone of you is corrupt. We will follow you everywhere for eternity. There is nowhere to hide you stolen money or repair the damage you constantly cause by granting these criminals permits. You will be held responsible for crimes against humanity.

Response 10: See Section A: General Comment Response, paragraph A

Comment #11: Thank you for your time and consideration. I'm writing to you in case I cannot make it to the DEP hearings Ranson, WV about the pipeline. I understand there is some concern about pipelines running through certain geological formations and the risk of spills of toxic material that could result. I realize that road transport may or may not be more hazardous than pipe transport in the long run. My concern and want is that there be financial and engineering safeguards by the owner of the pipeline that are guarantees the safety of those who might be impacted by a spill. In the absence of such real safeguards I believe public trust is eroded. WV has a public history in recent news of bypassing safety regulations in order to safeguard profits for a few. We can do better.

Response 11: See Section A: General Comment Response, paragraph A

Comment #12: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. Karst geology, endangered animals, unwanted industry...you've heard it all. The tides are turning, and it's the perfect time to say no to this pipeline.

Response 12: See Section A: General Comment Response, paragraph A

Comment #13: I am also concerned that the construction areas are full of vulnerable sinkholes and karst terrain. It is a poorly chosen site to receive a heavy industrial gas line. Look at all the houses that blew up in other states or caught on fire in recent news? There is too much risk and negatives to build a pipeline to Rockwool. Our health is not for sale.

Response 13: See Section A: General Comment Response, paragraph A

Construction Stormwater Permit Registration Response to Non-Specific Comments

During the recognized comment period, WVDEP received comments from thirty-six (36) individuals expressing general opposition to the proposed activity associated with this Registration Application. However, these commenters did not provide any permit specific comments. While all comments were reviewed, it is beyond the purview of the Division of Waste and Water Management to evaluate comments that are not specifically related to program requirements. WVDEP will include all received comments in the application record. Duplicates have been removed.

(1) I sincerely oppose the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am a lifelong resident and the heavy industry these utilities will be servicing will ruin my family home. Please do the right thing for the citizens.

(2) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am also concerned about the premise for the need for these risks to be taken. My understanding is that currently the only customer for this pipeline would be Rockwool, who is incredibly controversial with several lawsuits against it, one which challenges the zoning of the land and, if successful, would revert the zoning back to one that doesn't allow heavy industry.

(3) I am a resident and I vote. We don't need Rockwool. We don't need a pipeline for them. This whole thing is shady - how did they sneak through so many permit steps before the public even knew. Send them somewhere that would welcome heavy industry. Not here!

(4) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. It is time to stop the pipelines.

(5) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

(6) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do NOT want Mountaineer Gas to build its pipeline extension to Rockwool, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities. Thank you so much for all the actions you've previously taken.

(7) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There are far too many "what-ifs" concerning the extension into the fragile topography and ecosystems in our county. Far too many residents have raised concerns about the quality of life we be faced with if heavy industry is allowed to grow here. We have seen way too many examples throughout this state and others to not understand the consequences of poor decision-making.

Please listen to those who understand the complexity of our situation and do what is right for the safety and health of Jefferson County.

(8) I'm writing to oppose the Mountaineer Gas Pipeline Extension into Jefferson County, application number WVR311281.

(9) I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries. Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

(10) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. Heavy industry has no place in Jefferson County and certainly not within 3000 feet of an elementary school and within 2 miles of 1,200 students in Jefferson County. It's incomprehensible to me how a company like Rockwool could have even reached this point in development on a project that is opposed by perhaps 80 to 90% of the good people of this county. West Virginia is not a Dumping Ground for heavy industry from other countries. I'm greatly concerned for my two children who are 11 and 9 in attendees' schools and it is our human right to have clean air and safe drinking water. I'm already concerned with my drinking water coming out of the Potomac River let alone adding to that a toxic Factory just miles away.

Please stand up for the good people of Jefferson County who love our children and just want them to be safe and healthy as is their human right.

(11) I am writing as a citizen of Jefferson County on behalf of my two young children and my husband. Please protect our environment. We deserve clean water, clean air and a clean environment.

