



west virginia department of environmental protection

Division of Water and Waste Management
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December 13, 2016

Autumn Bryson & Angie Rosser
West Virginia Rivers Coalition
3501 MacCorkle Ave SE #129
Charleston, WV 25304

91 7199 9991 7037 0945 4500

Re: WV NPDES Permit No. WV0116815
WVR310726 – Sherwood Lateral and
Compressor & CGT Lat and Meter

Mrs. Bryson & Rosser:

Thank you for your comments concerning this application for stormwater construction permit coverage.

Comment #1: “There are textboxes in the resource location maps that have a letter and numeric code indicating a waterbody ID but no description of the impacted resource. Additionally, there are areas on the topo map where the proposed pipeline route clearly crosses a stream marked on the topo map, however there is no call-out box stating the waterbody ID.”

Response #1: *All stream crossings are identified in the text boxes. Ditches (D) and wetlands (W) are identified with a number only. There are call out boxes at each crossing.*

Comment #2: “Erosion and sediment control plan’s detailed drawings are not to scale. The plan mentions appropriately-sized silt fences will be installed, but the plan only references the max slope length and the length above the silt fence that dictates the height of the silt fence. Nothing is mentioned about the length of the silt fence that will be needed, or whether multiple, staggered fences will be used.”

Response #2: *The scale is shown on all drawings in the bottom left or right corners of the USGS map or aerial band. For the pipeline, the scale is 1 inch = 200 feet. The water bars (or slope breakers) and compost socks are shown on the aerial band of the pipeline drawings (the P3 and ES series). The water bars are shown as extending across the full length of the slope within the Limits of Disturbance (LOD). The compost filter socks are shown along the edge of the right-of-way and within the LOD at specific locations based on the elevation contours that shown on the aerial band and on the profile band below the aerial band. As stated in Section 2, the Site-Specific Stormwater Prevention Plan (SWPPP) is an evolving document and the drawings will be updated throughout construction to show changes (e.g., additional or modified BMP locations) that are installed in response to actual field conditions that may vary over the course of construction.*

Comment #3: “Trench breakers are to be installed according to spacing requirements, but detailed drawings referencing where trench breakers will be installed are not drawn to scale. Because the drawings are not to scale, they do not reflect actual conditions on the ground and do not identify specific locations where trench plugs are to be placed. The permit states that exact locations will be determined in the field by the environmental inspector. Without this detailed information, DEP cannot conclude that the project will meet the requirements of the permit. This information should be included in the permit application, not determined “in the field”.”

Response #3: *See response to No. 2 with respect to the scale. The trench plugs (or trench breakers) are shown as a triangle in the P3 and ES series drawings and will be installed within the trench along the pipeline and in the same location as the water bars. Rover Pipeline LLC’s environmental inspector will ensure that the appropriate number of trench plugs are installed at the appropriate spacing as shown on the drawings.*

Comment #4: “Erosion and sediment control Best Management Practices (BMP’s) must follow standard engineering design practices for sizing and layout. There is no evidence within the submitted documents that the E&S controls on the Rover pipeline and associated compressor stations were sized appropriately. This includes compost filter sock, silt fence, access road culverts, outlet protection, runoff conveyance channels, right-of-way diversions and compost filter sock sediment traps.”

Response #4: *The erosion and sediment control design layout and sizing was completed using standard engineering design practices including referencing 1) the West Virginia Erosion and Sediment Control Best Management Practice Manual, Department of Environmental Protection, Division of Water and Waste Management (DWWM) and, 2) Section G.4.e.2.A of the WVDEP General Stormwater Permit WV0116815 for stormwater associated with oil and gas related construction activities.*

Comment #5: The Limit of Disturbance (LOD) must be reduced considerably in high impact areas. Rover shows limited indications that they are reducing impacts to streams, wetlands, floodplains, riparian forest buffer zones, forested land and wildlife habitat. While there are “neck-down” areas shown on the plans, the buffer zones between the LOD and adjacent streams and wetlands are often minimal and even non-existent. In some instances, the LOD runs directly parallel to or placed over top of entire segments of intermittent streams.

Response #5: *The project has been designed to impact the least amount of area possible. The nominal construction right-of-way was originally proposed to be up to 125 feet wide, but was reduced to 75 feet at the request of the Federal Energy Regulatory Commission (FERC). The construction right-of-way is proposed in accordance with the FERC Upland Erosion Control, Revegetation, and Maintenance Plan and Wetland and Waterbody Procedures (Procedures), with variances approved by FERC for project-specific versions referred to as the Rover Plan and Procedures. Per these guidelines, extra workspaces are set back at least 50 feet from the water’s edge, except where the adjacent upland consists of cultivated or rotated cropland or other disturbed land and extra work areas are limited to the minimum needed to construct the waterbody crossing. Any locations where site-specific conditions require that the extra workspace be located less than 50 feet from the water’s edge required FERC approval, as noted in the Final Environmental Impact Statement issued by FERC on July 29, 2016. These areas are likewise depicted in this stormwater permit application. Any streams located within the workspace, but not crossed by the pipeline, will be protected from sedimentation as appropriate.*

Comment #6: “The project proposes to “open-cut” streams and wetlands.

- a. Open cutting will cause significant amounts of erosion, increases in turbidity and nutrient loading, and reductions in dissolved oxygen to these streams. This will have a significant impact on fish and aquatic life.
- b. Open cut crossings need individual stream crossing designs for each crossing, not simply a “typical stream crossing” detail.
- c. Streams are barely visible on many of the plan view drawings.
- d. Stream restoration details, including detailed streambank stabilization and restoration plans are missing from the SWPPP.”

Response 6: *Streams and wetlands will be crossed in accordance with the Rover Plan and Procedures and U.S. Army Corps of Engineers permits under Section 404 of the Clean Water Act and Section 401 of the Rivers and Harbors Act.*

a. These construction regulations and standards include the installation and maintenance of erosion control devices as well as restoration and revegetation practices to avoid sedimentation and undue impacts on aquatic species.

b and c. The application includes dimensions and location information for each stream crossing in tabular format and plan and profile views of each crossing are depicted in the Alignment/E&S Control Sheets.

d. Stream and stream bank stabilization and restoration plans and procedures were included with submittals to the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act and Section 401 of the Rivers and Harbors Act.

Comment #7: “1. The Rover pipeline has several pads for compressor stations, meter stations and launch pads which are proposed to be large gravel pads (with buildings/roofs) on land where forest cover once stood. The removal of forested cover and replacement of gravel cover will cause an increase in stormwater runoff volume and peak rate which can lead to flooding, erosion, and increased pollutant loading.

2. The Rover pipeline SWPPP does not address land use changes or management of the increase in stormwater volume and peak rate using retention/detention BMPs or infiltration BMPs. There is no methodology provided in the SWPPP.

3. Restoring the site to “close to original contours” is not considered a stormwater management BMP nor does it address the increase in stormwater volume associated with land use changes, i.e. forested cover to gravel/impervious areas. An increase in impervious area is stated but the exact increase needs to be specified.

4. There are no calculations, watershed mapping or other information that describes the technical basis for the stormwater management plan..”

Response 7: *1, 2, 3, and 4. The pipeline, compressor station, meter station and launcher pad sites were designed and sized with standard engineering practices in order to convey stormwater runoff in a manner that will protect both the site and the receiving stream(s) from post-construction erosion and sediment runoff. As part of routine site inspections and depending on actual site conditions, additional erosion control measures and/or modifications to the proposed measures may be necessary and will be added, as needed. Routine maintenance will be performed in accordance with Section G.4.e.2.D of the WVDEP General Stormwater Permit WV0116815 for stormwater associated with oil and gas related construction activities. Grading and drainage computations represent runoff from the 10-year, 24-hour design storm and they are included in the plans, where appropriate.*

Comment #8: “Rover has not identified drinking water wells or source water protection areas within the LOD. Without this information, groundwater cannot be protected. Rover

must identify drinking water wells and sourcewater protection areas potentially impacted by the construction and outline BMPs that will be implemented to avoid impacts.”

Response 8: Approval of Application WVR310727 does not relieve Rover Pipeline LLC from any requirements of the West Virginia Source Water Assessment and Wellhead Protection Program (Program) or any other local, state, or federal rule, regulation, or statute. The WV Department of Health and Human Resources administers the Program. The Groundwater Protection Plan (GPP) was prepared in accordance with the requirements of the West Virginia Groundwater Protection Rule, 47 C.S.R. 58 § 4.11 and the General Water Pollution Control Permit WVO116815. The General Water Pollution Control Permit does not require that the GPP be submitted to the DWWM for review, but a copy of this document must be prepared and kept on the Project site.

This permit registration will be issued on December 15, 2016. 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.

Per your email correspondence with Jon Michael Bosley on November 15, 2016, please forward a copy of this letter to your fellow co-signers.

If you have any further questions or concerns, please do not hesitate to contact Jon Michael Bosley of my staff at 304-926-0499 ext. 1059 or by email at Jon.M.Bosley@wv.gov.

Sincerely



Scott G. Mandirola
Director

cc: John Hendley, Environmental Inspector Supervisor

SGM:jmb