



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Comments on Draft Resource Report 4 – Cultural Resources North Carolina Department of Environmental Quality

1. The Department recommends that MVP document all meaningful dialogue with State tribes located along the proposed corridor(s) and discuss with them any economic opportunities that may be available resulting from the Project.
2. The Department recommends the addition of pertinent federal and State recognized North Carolina Native American Tribes and Organizations to the “Tribal Contacts” (Section 5.0 Contacts) within the Plan for Unanticipated Discoveries of Historic Properties and Human Remains. The following North Carolina Tribes and Organizations are: Coharie Tribe, Eastern Band of Cherokee Nation, Haliwa-Saponi Tribe, Lumbee Tribe of North Carolina, Meherrin Indian Tribe, Occaneechi Band of Saponi Nation, Sappony, Waccamaw Siouan Tribe, Cumberland County Association for Indian People, Guilford Native American Association, Metrolina Native American Association, and Triangle Native American Society, as well as the North Carolina Commission of Indian Affairs.
3. The Department recommends that MVP verify the name of the State Tribe that requested consulting party status.
4. The Department expects to be able to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation, and applicable to the Department, within Draft Resource Report 4 – Cultural Resources.



Comments on Draft Resource Report 5 – Socioeconomics North Carolina Department of Environmental Quality

1. Resource Report 5 does not address demographic disability. The Department considers disability in its evaluation because this Project upholds that it will bring jobs (direct, indirect, and induced) to the affected counties, census tracts, and Opportunity Zones. However, if disability is not evaluated in this context, it is uncertain how many people would benefit from the potential new jobs in the area.
2. When evaluating areas based on minority and low-income, all but one of the Environmental Justice(EJ) areas identified by MVP are located within North Carolina. The Department recommends further consideration of the identified underserved communities.
3. Section 5.3.8.2 addresses State Environmental Screening. The Department requests that MVP define “state environmental screening.” Furthermore, rather than discuss “State Environmental Screening,” this Section notes that North Carolina created an Environmental Justice Advisory Board. North Carolina’s State policies, including the Limited English Proficiency (LEP) access plan, are mentioned, however this Section includes no discussion of how those policies and plans will be applied to the Project. Furthermore, the Department published three environmental justice reports in the last year, that include detailed descriptions of how the Department evaluates projects for environmental justice concerns. None of these methods of evaluation are included in Resource Report 5. Lastly, Department staff participated in a phone call with MVP on Monday July 16, 2018, and the comments that Department staff provided were not incorporated into the Resource Report.
4. Section 5.4.1 (Population and Employment) provides a superficial discussion of the local and nonlocal workers who will account for the construction jobs associated with the Project. The Department requires estimates, approximations at a minimum, in order to fully comment on this Section of the Report.
5. MVP applied a demographic of more than 50% minority or 50% poverty as its standard for determining a community of concern (EJ community), which is quite high. Other states apply lower demographic threshold percentages to identify EJ communities, and most are far lower than 50%. For example, Pennsylvania applies 30% minority and 20% poverty to determine an EJ community. The Department recommends MV reevaluate its demographic review for EJ communities in North Carolina and consider applying a lower threshold percentage.
6. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MV identifies as being under further evaluation within Draft Resource Report 5 – Socioeconomics.



Comments on Draft Resource Report 6 – Geology North Carolina Department of Environmental Quality

1. The geological information provided in Sections 6.2.3.1 and 6.2.3.2 (Pipeline Facilities and Aboveground Facilities, respectively) suggest that extensive areas of the site are underlain by bedrock at fairly shallow depths, generally less than 10 feet thick, and at times the bedrock is outcropping at the surface. The presence of shallow bedrock, which may contain fractures, joints, and other preferential pathways, may serve as a conduit for pollutant migration.
2. Shallow bedrock in proximity to stream crossings may affect the method of pipeline construction. If horizontal directional drilling is considered, drilling muds used to remove cuttings may short circuit the drilling process via shallow fracture systems causing the potential for drilling mud to enter surface waters. The Department will require additional review and consideration of MVP's methods to conduct stream crossings to ensure drilling muds do not enter surface waters through shallow fractures.
3. Blasting may be necessary to facilitate pipeline construction (Section 6.3) for approximately 5.6 miles or roughly 8% of the pipeline. Blasting near residential areas relying on groundwater as a source for drinking water may affect water supplies and will require additional review and consideration by the Department, for example, the testing private wells post blasting.
4. Steep slopes in areas of unstable or poorly stabilized soils may result in slope failure. Slope failure in proximity to surface waters may result in surface water impacts in violation of North Carolina statutes and rules. Additional review and consideration by the Department will be required to ensure protection of surface water resources. This Section includes no information related to possible mitigation measures that will be undertaken by MVP.
5. A review of the "Unanticipated Discovery Plan for Paleontological Resources" (Appendix 6-G, Section 3.0) suggests that MVP will employ an "on call professional paleontologist" to evaluate the scientific significance of any potential "find" discovered during construction activities. The Department recommends that MVP consult with North Carolina State agencies (i.e. Cultural Resources) to determine the appropriateness of a contractor making such determinations rather than a State agency representative.
6. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation within Draft Resource Report 6 – Geology.



Comments on Draft Resource Report 7 – Soils North Carolina Department of Environmental Quality

1. Construction activities in the vicinity of erodible soils increase the potential for both soil loss and impacts to surface waters if located nearby. These activities also increase the potential for water quality violations.
2. Construction activities may increase the potential for soil compaction, particularly in areas where the soil is prone to compaction. Increased soil compaction reduces infiltration and may result in additional stormwater runoff volumes that must be addressed to avoid potential water quality violations.
3. Section 7.4.8 - It is unclear how MVP will use staff to verify the presence of contaminated soil. The report indicates staff "...will be trained to detect direct and indirect evidence of soil contamination," however neither direct or indirect evidence of soil contamination is defined, nor does this Section describe the training that will be provided to the staff.
4. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation within Draft Resource Report 7 – Soils.



Comments on Draft Resource Report 9 – Air and Noise Quality North Carolina Department of Environmental Quality

1. Noise issues will not be reviewed by this Agency. The Department recommends that MVP communicate with the Division of Public Health in the North Carolina Department of Health and Human Services (NCDHHS) for comments and suggestions on the noise impacts of the Project.
2. Without an application for an air quality permit to review the Department cannot adequately review the potential air emissions associated with the Project. The Department will require MVP to submit any and all air quality-related materials and data in support of the Project.
3. The Department believes that the ambient monitoring background data is appropriate. Although there is an ozone monitor in Rockingham County, Caswell County monitoring data was used due to proximity to the project.
4. The Department anticipates that the compressor stations will be permitted as minor sources and will not be subject to Prevention of Significant Deterioration (PSD) permit requirements.
5. The Department evaluated several subparts of the New Source Performance Standards (NSPS) and concluded that only Subparts KKKK and OOOOa will apply. However, Section 9.2.4.3 (NSPS) includes a discussion of Stationary Gas Turbines stating that the microturbines will have heat inputs of less than 10 MMBtu/hour, thereby exempting them from NSPS Subparts GG and KKKK. Without additional information about the microturbines, the Department cannot determine whether if these turbines are subject to additional State and or federal rules in addition to those discussed in the Report.
6. The Department has determined that no National Environmental Standards for Hazardous Air Pollutants (NESHAP) appear to apply to the Project.
7. The Department evaluated MVP's review of applicable North Carolina air quality rules and regulations in Section 9.2.4.7 and provides the following feedback and recommendations:
 - a. Reference to the 15A NCAC 02D .0900 Volatile Organic Compounds regulations provides that 02D .0958 applies to this Project. However, the Department disagrees because the facility is not located in an ozone nonattainment or maintenance area (in accordance with 15A NCAC 02D .0902).
 - b. The facility is subject to 15A NCAC 2D .1806 (Control and Prohibition of Odorous Emissions), an applicable regulation that is left out of the North Carolina Air Quality Regulations discussion.
 - c. The Department anticipates that MVP (as the applicant) will be required to submit emissions inventories pursuant to 15A NCAC 02D .0202, prior to permit renewal for Small Permit Classification sites.
 - d. The report states that the Russell compressor station will include one fuel gas heater. The report included little detailed information about the heater. The Department advises MVP that the fuel gas heater may be subject to rules not referenced in the report, including but not limited to: 15A NCAC 02D .0503 (Particulates from Fuel burning Indirect Heat Exchangers.) Without additional information about the heater, the Department cannot determine which, if any, additional rules apply.
8. With regard to Table 9.2-11 that lists Major Air Quality Facilities in the Vicinity of the MVP Southgate Stations that may cumulatively or additively impact air quality and could be affected by the construction and operation of the project, the Department notes that Ball Metal Beverage Container Corp. has ceased



operations and no longer holds an Air Quality permit. Furthermore, Table 9.2-11 only lists sources in Guilford and Alamance Counties. The Department recommends that MVP evaluate the cumulative and additive impacts of the numerous facilities with Title V Permits located in both Guilford and Stokes Counties that may need to be included in this list.

9. In its review of the supplementary construction data the Department was unable to locate any narrative describing the specific methods/assumptions that were used to estimate nonroad construction emissions other than USEPA's NONROAD2008a Model. Additional information, such as the source of the equipment engine horsepower values (based on the specific equipment to be used or NONROAD2008a defaults?) and emissions factors (based on the emission standards for the specific model year equipment to be used or model defaults?), is needed and must be provided to the Department. The USEPA recently released a new NONROAD model as part of its issuance of MOVES2014b (see <https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves><https://www.epa.gov/sites/production/files/2018-08/documents/420f18014.pdf>). USEPA provides that “MOVES2014b includes significant improvements to nonroad inventory estimation and is EPA’s best tool for that task.” The revisions EPA incorporated into this release are summarized [here](#):), and include updates to the emission rates for diesel engines subject to Tier 4 emission standards. Although not a requirement, the Department would prefer the project’s nonroad construction emissions are estimated using this latest version of the model. Finally, the Department supports the MVP’s plan to perform the dust control measures during Project construction as described in Section 9.2.6. (Air Quality Mitigation Measures: Construction Emissions) of the Report.

10. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation within Draft Resource Report 9 – Air and Noise Quality, and strongly recommends that MVP engage the Division of Public Health in NCDHHS for review of the noise quality considerations and controls contained in this Report.



Comments on Draft Resource Report 11 – Reliability and Safety North Carolina Department of Environmental Quality

1. The Department’s review of this report – combined with a review by colleagues in the Division of Emergency Management in the Department of Public Safety – provides that it appears to comply, or will comply, with the requirements and standards prescribed in the FERC’s *Guidance Manual for Environmental Report Preparation for Applications Filed under the Natural Gas Act*. Any limitations or additional information requested or required by the Department is included below.
2. The Department and other affected State and local agencies request the ability to review the MVP Emergency Response Plan as it is modified to incorporate the Southgate Extension (Section 11.2.2), request a recordation of the discussions and agreements entered into with local, regional, and State emergency response units, and access to any other relevant Response Plan-related information the Department and other entities deem necessary.

The Department requests additional information about the Plan, including timelines for its completion and when (how long in advance of the pipeline going into service) will the Plan be executed into implementation.

The Department also requests that the proposed and final Response Plan are made available for public review and comment.

3. The Department requests additional information about the role of “Gas Control,” as it’s referenced in Section 11.2.5 (Aboveground Facilities). Who or what entity operates or manages Gas Control, what is the protocol that Gas Control follows in an emergency, and how is the public (including emergency responders and State and local agencies) notified of remote control of the pipeline?
4. The Department is concerned about the lack of assessment of environmental impacts, known or potential, that result from incidents involving pipelines (Section 11.2.7). Understanding that incident data provided by the Pipeline and Hazardous Materials Safety Administration (PHMSA) focuses on human and property damage, the Department must have a sense of the acute and lasting environmental impacts that an incident may create. The Department requests that MVP model incidents, similar to those reported by PHMSA, for environmental impacts, both short-and long-term.
 - a. It does not appear that MVP has evaluated the potential short- and long-term socio-economic impacts on the local economy of pipeline incidents beyond safety and property damage to include shutdown scenarios, financial, repairs and replacement, consumer hardship, lost work, and lost wages. The Department is concerned that this presents a gap in the analysis. How does MVP intend to resolve this concern?
5. With respect to Public Safety (Section 11.4.2), the Department request that MVP (i) conduct a community risk assessment, (ii) develop methods for notifying the community, and (iii) pay particular attention to environmental justice communities.



6. Section 11.4.4. describes the Public Awareness Program that MVP will prepare in accordance with federal regulatory requirements. The Department requests a detailed timeline for when and a description of how MVP will implement this Program.
7. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation within Draft Resource Report 11 – Reliability and Safety.



Comments on Draft Resource Report 12 – PCB Contamination North Carolina Department of Environmental Quality

1. Although MVP provides that it will make certain connections to existing pipeline systems, MVP is not proposing to replace, abandon by removal, or abandon in place any pipeline facilities known to have PCBs in excess of 50 ppm in pipeline liquid. There is the possibility that PCBs in excess of 50 ppm could be encountered in existing pipeline systems or in soils immediately surrounding the interconnects. If the process of completing pipeline interconnects results in Mountain Valley removing or abandoning existing pipeline facilities (e.g., piping, valves, or fittings) that have the potential for PCB contamination, or if contaminated soils are encountered, MVP states that the work will be managed in accordance with applicable federal and state regulations.
2. In reviewing this report, it cannot be determined whether or not MVP conducted a systematic environmental review of the proposed right-of-way for the project, as such reviews typically include identification of contaminated sites in both DEQ and U.S. EPA inventories, as well as identification of electric power distribution infrastructure that could have associated PCB releases to soil. The same regulatory requirements for PCB-contaminated soils referenced in Report 12 would apply to those aforementioned sites or releases.
3. The Department expects to review and evaluate any and all additional and more detailed information, including any and all information that MVP identifies as being under further evaluation within Draft Resource Report 12 – PCB Contamination.

