

## Section 401 Water Quality Certification/Clean Water Act: North Carolina Department of Environmental Quality Pipeline Denial



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The North Carolina Department of Environmental Quality (“DEQ”) issued an August 11th letter denying a Section 401 Clean Water Act Water Quality Certification requested by Mountain Valley Pipeline LLC (“MVP”).

DEQ states its review encompassed:

- MVP application and supporting materials
- Hearing officer Report
- Federal Energy Regulatory Commission Final Environmental Impact Statement
- Responses to DEQ Division of Water Resources requests for additional information
- Public comments

DEQ’s discussion of the denial references what it describes as:

. . . The physical connections and functional links between the MVP Mainline project and the MVP Southgate project. . .

The August 11th letter further states that:

. . . without a complete and in-service MVP Mainline, MVP Southgate project’s purpose of providing “southern Virginia and North Carolina with direct pipeline access to the Marcellus and Utica gas regions in West Virginia, Ohio and Pennsylvania is unachievable.

Concern is expressed about the suspension of federal permits necessary for the construction of the MVP Mainline project and what it states is a Federal Energy Regulatory Commission “stop-work order” on the MVP Mainline project. This is deemed to be a “critical risk” to the achievability of MVP Southgate.

DEQ states that certification of the project, “without further confidence that it can achieve its stated purpose,” is inappropriate and would allow for “avoidable environmental impacts to water quality and protected riparian buffers.”

A copy of the letter can be downloaded [here](#).