



## **Informational Statement**

### **West Virginia Department of Environmental Protection :: Consent Order No. 9925**

*MVP takes compliance issues very seriously – if we do not live up to regulatory requirements and our own expectations, we will be transparent, evaluate the issue, implement corrective actions, and apply lessons learned. This is MVP's operational philosophy, and our record demonstrates a clear commitment to maintaining or exceeding regulatory compliance. The items outlined in WVDEP Consent Order No. 9925 are primarily related to the maintenance of erosion and sedimentation controls (ESC) during 2019 and 2020, all of which have been remediated with no additional corrective actions required. In cooperation with the WVDEP, we have enhanced the level of environmental controls that were originally approved, and the measures in place today are substantially better than those initially installed. MVP's concerted efforts to enhance ESC measures resulted in an 84% reduction in environmental-related incidents in 2020 compared to 2019, with four Notices of Violation reported for the year despite significant rainfall along portions of the route. More importantly, and as assessed by the FERC, completion of construction and final restoration is best for the environment, as well as the affected landowners who have experienced an extended period of disruption to their properties due to unnecessary project delays.*

*With total project work roughly 92% complete, we believe there is common ground for all stakeholders to agree that, at this juncture, the best path forward for environmental protection, as well as affected landowners, is for MVP to complete construction, fully restore the remainder of the right-of-way, and place the natural gas pipeline in-service. Mountain Valley welcomes the opportunity to work with all stakeholders in a productive manner to address environmental protection concerns and to ensure that best practices are implemented both during construction and after in-service.*

*We will continue working with all state and federal regulatory agencies and are committed to improving our environmental performance as the project progresses.*

#### **BACKGROUND:**

On January 12, 2021, Mountain Valley Pipeline, LLC (Mountain Valley) entered into Consent Order No. 9925 with the West Virginia Department of Environmental Protection (WVDEP) to settle violations that occurred during the two-year period of 2019 – 2020 for issues identified during inspections of the Mountain Valley Pipeline (MVP) project. The WVDEP issued a total of twenty-five (25) Notices of Violation (NOV) in 2019 and four (4) NOV's in 2020, all primarily related to the maintenance of erosion and sediment control measures, and all of which have been remediated with no additional corrective actions required. Following the public comment period, the WVDEP will finalize the Consent Order, after which time Mountain Valley expects to pay a civil administrative penalty of \$303,706.00.

In cooperation with WVDEP, MVP has enhanced the level of environmental controls that were originally approved; and the measures in place today are substantially upgraded versus those initially installed. MVP's efforts to improve its originally approved ESC measures resulted in an 84% reduction in NOV's from 2019 to 2020. Such improvements included, MVP modifying its vegetation plan; more aggressive application of seed mixes for both temporary and permanent right-of-way restoration; and utilization of advanced commercial products to decrease soil mobility. As another level of protection, and beyond what is required, additional ESCs have been installed along the route and the use of additional waterbars has proven to assist in preventing future impacts.

The WVDEP has conducted numerous inspections, including immediately following heavy rainfall events. The vast majority of those inspections confirmed the effectiveness of MVP's stormwater plan and additional ESC measures, with any potential issues identified being immediately adjusted or upgraded. Although MVP has made considerable progress in environmental safeguards, the best tool for environmental protection is project completion. While several segments of the right-of-way remain disturbed and temporarily stabilized, MVP cannot permanently restore the soils and vegetation in these areas until construction is complete.