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May 30, 2018

**VIA ELECTRONIC FILING**

Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

**RE: The Atlantic Coast Pipeline; Nationwide Permit 12; the James River; the Appomattox River (VA AP 1-410); and the Nottoway River (VA AP 1-552)**

To Whom It May Concern:

The Global Energy Institute (Energy Institute) is an affiliate of the United States Chamber of Commerce, the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system.

The Energy Institute believes that construction of Atlantic Coast Pipeline LLC's (Atlantic) project, the Atlantic Coast Pipeline (ACP), is in Virginia's and our nation's best interest. We are concerned about the Virginia State Water Control Board's (SWCB) challenge to the Army Corps of Engineers (ACOE) Nationwide Permit 12 (NWP 12) program that was accepted by the Virginia Department of Environmental Quality (VA DEQ) and utilized as part of the pipeline's permitting review. We are pleased to submit these comments supporting ACP and its certification by the ACOE under the NWP 12 program.

The United States has an abundant and diverse supply of energy. American ingenuity has been creating incredible innovations in energy technology, and these new technologies are producing cleaner, cheaper energy supplies more efficiently than anywhere else in the world.

Yet, we need a more extensive energy delivery network that can make our supplies more readily available to all Americans, including underserved regions throughout Virginia and North Carolina. It is critical for our region that energy is delivered in the safest and most efficient way possible.

It is well acknowledged that the safest way to move large amounts of natural gas with the least amount of risk is through pipelines. Dominion Energy has thoroughly and carefully planned this project. The route results from years of comprehensive studies. Changes were adopted to reduce risk and impacts to the environment.

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In April 2017, VA DEQ certified NWP 12 and determined that there is a reasonable assurance that the activities permitted under the Corps' NWP program will be conducted in a manner which will not violate Virginia's applicable water quality standards. In short, VA DEQ recognized that the robust NWP 12 permit program and standards, and the ACOE expertise, will protect Virginia's waterways and aquatic resources. The Corps granted coverage under NWP 12 to ACP on February 9, 2018.

According to the DEQ website "DEQ advised the board [SWCB] that the protections established in NWP 12 were the same as those that would have been established in an individual Virginia Water Protection Program permit. During the discussions [about the sufficiency of NWP 12], the [SWCB] members raised no specific areas of concern and provided no technical information that NWP 12 was insufficient." The fact that the SWCB now wants to revisit VA DEQ's decision to certify the ACOE NWP 12 program is overtly politically, problematic to those building the pipeline, and potentially damaging to the state and its citizens.

The effort to challenge the NWP's effectiveness now has implications that reach beyond the ACP. Reconsidering VA DEQ's approval of the NWP 12 permit program a year later not only brings uncertainty for ACP, but also uncertainty, delays, and increased costs for future Virginia infrastructure development. Any decision to reverse or rescind Virginia's certification of the NWP 12 will have a chilling impact on the plans for other projects such as those needed for supplying energy, along with water, sewer, and other essential infrastructure. To investors and others looking to do business in Virginia, it will send a negative signal about Virginia's business environment.

ACP is well planned, low risk, and will have minimal impact on the environment. The project has been under rigorous review for over three years. The VA DEQ, Federal Energy Regulatory Commission (FERC), and other state and local regulatory agencies have provided input and lent their vast expertise and knowledge to the permit review process. In addition, each inland stream, river, and tidal stream water crossing has been thoroughly reviewed by the appropriate federal and state agencies, including the Virginia Department of Game and Inland Fisheries and the Virginia Marine Resource Commission. In consultation with these agencies, ACP is utilizing approved regulatory procedures and is following best industry practices in developing construction and operation plans that reduce impacts and protect aquatic species. The planning, construction, and operation of ACP has and will continue to go through careful scrutiny to ensure its safety.

ACP's extensive and thorough planning process has gone to great lengths to make certain that the James River, the Appomattox River (VA AP 1-410), and the Nottoway River (VA AP 1-552) will be well protected during construction and operation of ACP. Moreover, the James River, Appomattox River, and Nottoway River historically have been utilized in a manner that promotes state, regional, national economic interests, and the Energy Institute believes that it is important to preserve and utilize the NWP 12 program so that Virginia and the surrounding region may sustain their legacy of economic growth while protecting the environment of these vital waterways.

American businesses, homes, communities, and livelihoods depend on access to reliable, affordable energy. The Energy Institute supports ACP and the jobs and economic and energy security it will bring to Virginia, North Carolina, West Virginia, and our nation. On behalf of the Global Energy Institute and as a Virginian, I ask that the VA DEQ reject any effort to withdraw



Virginia's certification of NWP 12 and the permits approved for ACP under the program, and urge authorization of the outstanding project permits for the Atlantic Coast Pipeline as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Koch". The signature is fluid and cursive, with the first name "Matthew" written in a larger, more prominent script than the last name "Koch".

Matthew Koch

cc: Governor Ralph Northam

