

**JUNE 6, 2017 ANNOUNCEMENT**  
**DPMC Sues Virginia DEQ**  
**Alleges Blanket Water Quality Certification Invalid**

On June 5, 2017, the Dominion Pipeline Monitoring Coalition (DPMC) filed suit against the Virginia Department of Environmental Quality (DEQ) in state Circuit Court for the City of Richmond. DPMC is asking the court to rule that DEQ issued a Clean Water Act section 401 Water Quality Certification for construction of utility lines, including natural gas pipelines, in state waters without legal authority to do so and without ensuring water quality would be protected.

DEQ's general Water Quality Certification was issued on April 7, 2017 for a U.S. Army Corps of Engineers' general permit, named Nationwide Permit No. 12, that also addresses utility line impacts on streams and wetlands. A party cannot begin a project that affects waterbodies under the Corps of Engineers permit unless Virginia certifies that the work allowed under the federal permit will meet all state water protection requirements. DPMC asserts that DEQ failed to provide such assurances to properly protect Virginia waters and those who use them.

**DPMC makes four main claims in its suit:**

1. DEQ issued the blanket Certification, which qualifies as a regulation, despite the fact that state law prohibits DEQ officials from adopting regulations.
2. DEQ failed to follow procedural requirements regarding the public comment opportunities and reviews by the Department of Planning and Budget.
3. DEQ failed to make any analysis to assess whether compliance with state water quality standards could be assured.
4. DEQ failed to acknowledge or address evidence provided by DPMC and others showing that activities covered by the Corps permit would cause serious damage to streams and violate Virginia standards.

Rick Webb, DPMC Coordinator, said:

“We know that from a technical standpoint it makes no sense to try to protect all waters across Virginia, which have very different conditions, with a one-size-fits-all approach and that's what this blanket Certification attempts to do. Even worse though is that we believe DEQ issued this Certification without proper authority, procedures, or even minimal analysis. That this blanket Certification and the way it was issued seem to be so seriously flawed, demonstrates how irresponsible it is for DEQ to try to cover two of the biggest and most damaging environmental projects ever proposed in Virginia - the Atlantic Coast Pipeline and the Mountain Valley Pipeline - under this Certification.”

[June 5<sup>th</sup> Petition to Richmond Circuit Court](#)

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