

Water Resources  
ENVIRONMENTAL QUALITY

ROY COOPER

*Governor*

MICHAEL S. REGAN

*Secretary*

S. JAY ZIMMERMAN

*Director*

October 26, 2017

DWR Project #14-0957 v2  
Northampton, Halifax, Nash,  
Wilson, Johnston, Sampson,  
Cumberland and Robeson Counties

Atlantic Coast Pipeline, LLC  
Attn: Ms. Leslie Hartz  
707 E. Main Street, 19th Floor  
Richmond, VA 23219

**Subject: REQUEST FOR ADDITIONAL INFORMATION**  
Atlantic Coast Pipeline

Dear Ms. Hartz:

On May 8, 2017, the Division of Water Resources (Division) received your application dated May 3, 2017, requesting an Individual Water Quality Certification / Buffer Authorization from the Division for the subject project. Additional information was requested by the Division on June 27, 2017 and received on July 12, 2017. Two public hearings were held on July 18 and 20, 2017 in Fayetteville and Rocky Mount, respectively, with a public comment period from June 16 – August 19, 2017, to receive public comments on the proposed project. Comments received are available for review at the following link:

<http://edocs.deq.nc.gov/WaterResources/0/fol/548242/Row1.aspx>.

Based on the comments received, additional information was requested by the Division on September 14, 2017 and responses were received by the Division on September 22 and 29, 2017. Department of Environmental Quality, Division and Atlantic Coast Pipeline (ACP) representatives met on September 29, 2017 to discuss the additional information that was received by the Division on September 22, 2017. On October 16, 2017, the Division received follow-up information from that meeting.

The Division has determined that the following additional information is necessary to continue to process your application [15A NCAC 02H .0502(c), 15A NCAC 02B .0233(8) and .0259 (8)]:

1. In the Division's September 14, 2017 letter, site-specific justification for not working in the dry and a crossing plan for each open cut crossings [sic] proposed was requested (1.b.i.). ACP's response on September 29<sup>th</sup> provided site-specific crossing plans for perennial crossings only and a general justification for not planning to work in the dry.

The justification cited that dry crossings would require more time and more traffic within the adjacent wetland potentially leading to more compaction of wet soils and duration of time the waterbody and wetland are exposed to the disturbance. Additional measures to ensure the excavation is not exposed to flowing water would prevent sedimentation impacts that may impact downstream water quality well beyond the work area, which outweighs the additional time and traffic required within the work area. Additionally, a review of past natural gas pipeline projects previously certified and applications in review, some of which are located in areas also crossed by the proposed project and involve pipelines up to 30 inches in diameter, shows that they all comply with the requirement to complete stream crossings using a dry method. This includes crossing intermittent streams and streams within wetland areas.

- a. Change the crossing method of all stream crossings to a dry method. Provide an updated impact table reflecting which type of dry method will be used at each crossing.**
  - b. This Office recommends the use of mats to avoid soil compaction within wetland areas.
  - c. ACP may propose provisions to allow for the use of the open cut method instead of work-in-the-dry methods for specific stream crossings that are dry at the start of construction and are expected to remain dry throughout completion of the pipeline installation and restoration. This will require approval by Division staff prior to beginning the individual crossing.
  
2. In the Division's September 14, 2017 letter, this Office asked whether all the wetlands adjacent to stream crossings were actually inundated (1.b.2.). ACP's response on September 22<sup>nd</sup> stated that 11 stream/wetland crossing were changed to a dry crossing method, but that 16 of these crossings included adjacent wetlands with hydrology indicators that demonstrate inundation during the growing season or where photos indicate that standing water was present at the time of the field study. During our meeting on September 29<sup>th</sup>, Division staff pointed out that the data sheets provided did not reflect that the wetlands were inundated and photographs provided did not show inundated wetlands. In ACP's October 13<sup>th</sup> clarification, ACP stated that most of these waterbodies are less than 20 feet in width and are not large enough to warrant the use of dry construction techniques, that it would be very difficult to achieve a dry ditch condition, and that additional workspace would be required. Again, other natural gas pipeline projects certified by the Division have been able to comply with the requirement to complete stream crossings using a dry method even when crossing streams within wetland areas.
  - a. Change the crossing method of these 16 stream crossings to a dry method. Provide an updated impact table reflecting which type of dry method will be used at each crossing.**
  - b. ACP may propose provisions to allow for the use of the open cut method instead of work-in-the-dry methods for specific crossings that are dry at the start of construction and are expected to remain dry throughout completion of the

pipeline installation and restoration. This will require approval by Division staff prior to beginning the individual crossing.

3. In your response to 1.b.v you state:

*"[s]tream crossings where the banks are deeply incised and narrow would be an example where a temporary bridge would not be used."*

In your response to 2 you state:

*"[i]n instances where streambanks are incised prior to construction, Atlantic would grade the banks to a stable slope and taper the new contours into the adjacent, undisturbed conditions outside of the right-of-way as part of the restoration of streambanks."*

In your response provided on October 13 you state:

*"Atlantic does not anticipate crossing incised streams in North Carolina, and therefore Atlantic is not providing a typical drawing for incised stream restoration."*

- a. Explain this discrepancy.
  - b. If Atlantic is not crossing any incised streams in North Carolina, under what circumstances would a temporary bridge not be used?
  - c. If Atlantic is not crossing any incised streams in North Carolina, under what circumstances would stream banks not be restored to preconstruction conditions?
  - d. If Atlantic is crossing incised streams, provide a typical drawing for incised stream restoration and a list of stream crossings that will employ this type of restoration instead of Type 1.
4. In your response to 1.c you state you anticipate using Type 1 but will use Type 2 if Type 1 is unsuccessful.
- a. What is the timeframe Atlantic will determine if stabilization is unsuccessful? What is the timeframe within which Type 2 will be installed?
  - b. You state that rock riprap or geogrid will not be placed below the ordinary high watermark, however the plans provided in Appendix B show riprap below the ordinary high water mark. Correct this discrepancy in either the narrative or the plans. Note that placing rip rap below the ordinary high water mark may require a permit from the U.S. Army Corps of Engineers and a certification from the Division.
  - c. In your response to 2. you state *"[i]f waterbody flow forces require greater stabilization, Atlantic would use riprap or a geogrid type material, as outlined in response to item 1.c. above."*, which is different than using Type 2 only if Type 1 fails. Explain this discrepancy.
  - d. Two types of restoration plans were provided however they were not assigned to each stream crossing as requested. Assign Type 1 or Type 2 to each stream crossing listed in your impact table.

5. In your response to 2. you state “Atlantic will use clean rock over culverts for access across the majority of streams crossed by the pipeline that are otherwise too wide to be crossed by a single timber mat bridge.” What is “too wide”?
6. Also in your response to 2. you state “[t]imber mats supported by flumes will be used for access across streams crossed by the pipeline that have too much flow for use of clean rock over culverts.” What is “too much flow”?
7. In 6.c. the Division requested a cumulative impact analysis for Johnston, Cumberland and Robeson Counties, however we received a cumulative analysis only for the construction footprint of the three M&R stations within those counties.
  - a. As previously requested, provide a *qualitative* cumulative impact analysis for **all of Johnston, Cumberland and Robeson Counties** not just the construction footprint of the M&R stations. This analysis should include potential secondary and cumulative impacts<sup>1</sup> (e.g. from anticipated development resulting from the construction of the pipeline). Refer to the Division’s Cumulative Impact Policy for the 401 and Isolated Wetland Permitting Programs (Ver2.1, dated April 10, 2004) for guidance, available online:  
[https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Policies\\_Guides\\_Manuals/CumulativeImpactPolicy.pdf](https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Policies_Guides_Manuals/CumulativeImpactPolicy.pdf).
  - b. Note this analysis is for past or reasonably anticipated future impacts, including expansion of the pipeline beyond the current terminus in Robeson County.
  - c. Attachment 1 in the cumulative impact analysis:
    - i. There were several duplicate entries. Remove any duplicate projects from the Table.
    - ii. There are several Atlantic projects listed (e.g. Atlantic Coast Pipeline Office Building, Atlantic Coast Pipeline Utility Services, etc.). These should be part of the current application under review, not listed within the Table as projects that may have a cumulative impact. Remove these from the Table and confirm that these projects are included within the current application under review.
    - iii. Add a column to indicate which projects have or you anticipate to have impacts to surface waters.
8. Provide an HDD design for the Neuse River crossing and updated impact tables to reflect elimination of the impact to the river and additional impacts to surface waters and/or wetlands that will be necessary to accomplish the crossing with the HDD method.

---


<sup>1</sup> “*Secondary impact*” means actions, or actions directly linked to an activity, that may affect classified surface waters or wetlands that would not occur but for the proposed activity.  
“*Cumulative impact*” means environmental impacts resulting from incremental effects of an activity when added to other past, present, and reasonable foreseeable future activities regardless of what entities undertake such other actions.

Pursuant to 15A NCAC 02H .0502(e) / 15A NCAC 02B .0233 / 15A NCAC 02B .0259, the applicant shall furnish all the above requested information for the proper consideration of the application. Please respond in writing within 30 days by sending one copy of all the above requested information to the 401 & Buffer Permitting Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617.

Please be aware that you have no authorization under the Section 401 of the Clean Water Act or the Neuse or Tar-Pamlico Buffer Rules for this activity and any work done within waters of the state or protected riparian buffers may be a violation of North Carolina General Statutes and Administrative Code.

Contact me at 919-807-6360 or [karen.higgins@ncdenr.gov](mailto:karen.higgins@ncdenr.gov) or Jennifer Burdette at 919-807-6364 or [jennifer.burdette@ncdenr.gov](mailto:jennifer.burdette@ncdenr.gov) if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Karen Higgins". The signature is written in a cursive, flowing style.

Karen Higgins, Supervisor  
401 & Buffer Permitting Branch

cc: Richard Gangle, Dominion Resources Services, Inc. (via [richard.b.gangle@dom.com](mailto:richard.b.gangle@dom.com))  
Spencer Trichell, Dominion Resources Services, Inc. (via [spencer.trichell@dom.com](mailto:spencer.trichell@dom.com))  
USACE Raleigh Regulatory Field Office  
DWR 401 & Buffer Permitting Branch file

Filename: 140957v2AtlanticCoastPipeline(Multi)\_401\_IC\_NRB\_TAR\_Ad