



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

S. JAY ZIMMERMAN  
*Director*

September 14, 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>.

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. The project involves numerous stream crossings that have the potential to affect downstream water quality both temporarily during construction and permanently. Your application and responses to the Division provide thorough general descriptions of the plans for the project, however more site-specific detail is necessary to ensure that downstream water quality is protected. Provide the additional justification requested below:
  - a. Add a column to the Wetland and Waterbody Crossing table (Appendix C-1) for each waterbody more than 30 feet in width that provides site specific reasons why each crossing could not be completed using the HDD method or a conventional bore to avoid impacts to the stream channel.

- b. Many crossings are proposed to be installed using the open cut method that do not make accommodations for the work to be completed in the dry or without exposure to flowing water.
  - i. Provide a site-specific justification for not working in the dry and a crossing plan for each open cut crossings proposed. These plans should include turbidity curtain locations, and upstream/downstream water quality sampling locations for turbidity and total dissolved solids (sampling for total dissolved solids is only required within Water Supply Watershed areas).
  - ii. Your July 12, 2017 response to the Division indicated that the open cut method was proposed for several crossings due to the presence of inundated wetlands. Many of these wetlands do not appear to be inundated based on aerial photography and identification of a discrete channel by the field survey. Provide documentation that the adjacent wetlands are inundated beyond the discrete channel for each of these crossings.
  - iii. Your July 12, 2017 response to the Division also stated that utilizing a dry method for several stream crossings would result in more impact for a longer duration. Provide an explanation of the additional impact and duration of the impact compared to using a dry method, including specific plans showing the additional impact.
  - iv. Both dam and pump and the flume method are listed for many stream crossings. Provide the criteria for selecting one method over the other, including who will make the decision and when the decision will be made.
  - v. The typical diagrams for each stream crossing method indicate that a temporary bridge will be installed "if needed". Provide the criteria to determine if a temporary bridge will be needed. If a temporary bridge isn't needed, explain how equipment will operate without crossing back and forth within the stream channel.
  - vi. Provide construction drawings, including construction sequencing for the Neuse River crossing.
- c. Provide a restoration plan for all stream crossings. This can be accomplished by providing a site-specific plan for each crossing, or by providing a typical restoration plan for each different type of restoration (*e.g.* restoration of preconstruction contours, laying back banks on incised streams, or placement of riprap to ensure streambank stability where the conditions at the crossing warrant this protection) and assigning which restoration plan will be used at each stream crossing.

- d. Provide a plan to monitor all stream and wetland restoration through two growing seasons once vegetation is established. Explain your method for determining whether the success criteria provided in your application are met.
2. There are numerous places throughout the application where qualifiers are used when citing methods to protect water quality (*e.g.* may, as appropriate, as near as practical, where feasible, when needed, *etc.*). Propose a standard method and provide justification for each variation from the standard for each waterbody crossing not using the standard method.
3. Provide a list of the drinking water well testing parameters.
4. Provide the locations and rate of discharge of hydrostatic test water.
5. The Division received numerous comments expressing concern over potential sedimentation and turbidity from the construction of the pipeline. The Division understands from the Division of Energy, Mineral and Land Resources (DEMLR) that the proposed pipeline has submitted two Sediment & Erosion Control Plans for review (one for Northampton, Halifax, Nash, Wilson, and Johnston Counties; one for Sampson, Cumberland and Robeson Counties), but there may be an exemption from NPDES Stormwater permitting.
  - a. Provide all Sediment & Erosion Control plans for the project using the following link: <https://edocs.deq.nc.gov/Forms/Supplemental-Information-Form>.
  - b. Provide an overview of the sediment and erosion control measures you plan to implement as part of your Sediment & Erosion Control Plan, including if there are any measures or steps you plan to voluntarily take above the minimum requirements (*e.g.* implementing the requirements in Section II.B. of the NCG010000 Construction Stormwater General Permit, *etc.*).
6. The Division requires additional information regarding cumulative impacts. It is important to note that an analysis of cumulative impact is required regardless of whether these projects are separate from the ACP, not within ACP's purview or undertaken by entities other than ACP.
  - a. Provide a map of the proposed pipeline showing all existing transmission pipelines and their associated distribution points in North Carolina.
  - b. Provide the shapefiles for the proposed pipeline route.
  - c. The application indicates Metering and Regulating stations will be constructed in Johnston, Cumberland and Robeson Counties. Provide a *qualitative* cumulative impact analysis for these counties. 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).

- d. Based on the Division's review, the proposed pipeline will cross Moccasin Creek [27-53-(0.5)] in Johnston County, which is a 303d stream impaired for benthos. The proposed pipeline will also cross just upstream of the following 303d streams:
- i. Stony Creek [28-68b] in Nash County, which is impaired for benthos and dissolved oxygen;
  - ii. Tar River [28-(36)b] in Nash County, which is impaired for dissolved oxygen; and
  - iii. Mill Creek [27-52-(1)b] in Johnston County, which is impaired for dissolved oxygen.


Based on past and concurrent construction projects, provide a *quantitative* cumulative impact analysis from construction activities for the 4 watersheds listed above. Alternatively, provide a commitment to implement the requirements in Section II.B. of the NCG010000 permit, or other similar additional best management practices, in these 4 watersheds.

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 Karen Higgins 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,



Jeff Poupart, Chief  
Water Quality Section

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