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For Immediate Release

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Wild Virginia Sues Virginia State Water Control Board Over Approval of MVP Permit

Today, Wild Virginia has joined allies in filing suit to challenge the legality of the State Water Control Board's decision to issue a water quality certification for the Mountain Valley Pipeline.

The lawsuit, filed by attorneys with Appalachian Mountain Advocates in Richmond's U.S. Court of Appeals for the Fourth Circuit, asserts that the Board has failed base its decision on adequate and complete information and, therefore, lacks a rational basis for its action. All parties admit that vital information and analyses were missing at this time yet the Board endorsed DEQ's recommendation to approve the rushed permit decision.

"The Board and DEQ cannot determine that the construction of the Mountain Valley Pipeline will not violate Virginia's water quality standards without doing detailed and cumulative water quality analyses," said Misty Boos, Wild Virginia's Director.

Members of the Board did express doubt that DEQ's proposal to rely on the Army Corps of Engineers' Nationwide 12 permit for protection of water quality at stream and wetland crossings would be adequate to meet state standards. However, the Board's revised certification, which attempts to reserve its authority to address those concerns through another, separate certification process is inadequate. That decision still sidesteps the real issue - that the Board had a responsibility to protect our waters from the whole range of damages this pipeline would cause," Boos stated.

The Mountain Valley Pipeline project would send fracked gas from West Virginia to southern Virginia through a 42-inch pipe and would involve blasting and excavating through hundreds of streams, including some of the most sensitive and high-value aquatic habitats in the region. It would slice through the headwaters of the Roanoke River watershed endangering water supplies for Roanoke City and Roanoke County and threatens to pollute and disrupt flows in wells and springs that thousands of rural residents rely on.

"The DEQ's erosion and sediment control plans and stormwater control plans are incomplete and have not been presented to the Board," said David Sligh, Wild Virginia's Conservation Director. "Karst analyses are incomplete. Data related to specific waterbody crossings is non-existent. The Nationwide 12 permit has not yet been authorized and determined to be applicable. The procedure is not based on sound science and is legally flawed. We cannot accept this betrayal of our trust and our rights without challenge," Sligh stated.

Appalachian Mountain Advocates is representing Wild Virginia in the lawsuit along with the Sierra Club, Appalachian Voices, and Chesapeake Climate Action Network.

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