

Mountain Valley Pipeline Faces New Legal Challenge to Water Permit

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Richmond, VA -- A new legal action filed today challenges Virginia's State Water Control Board approval of a key water quality permit for the proposed Mountain Valley Pipeline. The petition for review of the project was filed with the U.S. Fourth Circuit Court of Appeals in Richmond.

The legal action was filed by the Appalachian Mountain Advocates, representing the Sierra Club, Appalachian Voices, Chesapeake Climate Action Network, Wild Virginia, Preserve Craig, Inc., Blue Ridge Environmental Defense League, and Preserve Franklin. Preserve Bent Mountain and Preserve Giles County are also parties to the litigation, represented by the Southern Environmental Law Center.

The Virginia State Water Control Board, which administers the Clean Water Act in the state, issued a decision that allowed the pipeline to move forward — despite its serious threats to the climate crisis and hundreds of violations of commonsense water protections that have resulted in millions of dollars in penalties. The pipeline would also exacerbate health and environmental threats in communities and further entrench the nation's dependence on fossil fuels.

The Board's action lays the groundwork for action by the Army Corps of Engineers to issue a stream-crossing permit to the pipeline. Twice before, such federal stream-crossing permits for the Mountain Valley Pipeline have been invalidated after being brought to court. The MVP mainline project lacks necessary federal and state authorizations, has racked up more than \$2 million in fines for more than 350 water quality-related violations in Virginia and West Virginia, is years behind schedule and continues to face stiff grassroots opposition. Moreover, the U.S. Fourth Circuit Court of Appeals is currently considering the legality of MVP's Forest Service and Endangered Species Act approvals.

In addition, the proposed MVP Southgate extension faces its own permitting challenges. The North Carolina Department of Environmental Quality has already denied a key water quality certification for the project, twice, and last week the Virginia Air Pollution Control Board denied a key air permit for the proposed Lambert Compressor Station.

“This latest permit signifies the continued disregard for sufficient protection measures that would ensure a lasting and permanent impact to Southwest Virginia’s waterways,” **Sierra Club Senior Organizer Caroline Hansley** said. “MVP’s dirty, dangerous pipeline project has already impacted both air and water quality along the route, leading to major environmental degradation, as well as public health concerns for communities. We know we can’t trust the polluting corporations behind this fracked gas pipeline to do what’s best for our communities, or the climate, which is why we will do everything in our power to ensure that this disastrous pipeline is never completed.”

“Climate change poses a ‘code red for humanity,’ according to the world’s leading climate scientists. The last thing we need is another massive pipeline that will prolong our reliance on dirty fracked-gas, harm Virginia’s streams and rivers, and trample on people’s property rights,” said **Anne Havemann, general counsel with the Chesapeake Climate Action Network**. “MVP is a bad deal for Virginia and we look forward to our day in court.”

David Sligh, Conservation Director for Wild Virginia, stated: “Virginia officials failed to do what was necessary to protect Virginians and our waters, so we must turn to the courts to uphold the values represented by the Clean Water Act. We all have a right to clean water and Mountain Valley has already violated that right in many places. We will defend those waters that we can still save against further damage.”

“Virginia regulators’ decision to approve this permit is detached from reality,” said **Peter Anderson, Virginia Policy Director for Appalachian Voices**. “MVP violated Virginia’s water laws hundreds of times since construction of the pipeline began in 2018, and Virginia DEQ staff utterly failed to explain how things will be any different this time. Water quality standards are not merely a suggestion, and we intend to see that they are met.”

“In the midst of climate catastrophe and rampant environmental injustice by the fossil fuel industry, we will not stand for another unneeded fracked gas pipeline. We support this challenge to the Virginia State Water Control Board’s decision to grant MVP a water crossing permit that will endanger lives and waters in its path. We put people over profit. We expect no less of our regulators,” said **Roberta Bondurant of Preserve Bent Mountain**.

Bill Wolf, President of Preserve Craig, Inc., said, “It’s an embarrassment to every citizen of Virginia that we are forced to file suit to block a deeply flawed decision by the State Water Control Board after being misled by DEQ and MVP.”

“Preserve Giles County joins this legal action in order to state unequivocally our rejection of the deeply flawed decision by the Va Department of Environmental Quality and the State Water Control Board to grant a permit to Mountain Valley Pipeline to further degrade the waters of Virginia and of Giles County specifically, as they have done from the commencement of construction,” **Donna Pitt, Coordinator at Preserve Giles County** said.