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# News Release

west virginia



department of environmental protection

Contact: Jake Glance ([Jacob.P.Glance@wv.gov](mailto:Jacob.P.Glance@wv.gov))

Office: (304) 926-0499 ext. 1335

FOR IMMEDIATE RELEASE

## **WVDEP Holding Public Hearings for ACP Stormwater Permit; Announces Waiver of 401 Individual Certification**

*State construction stormwater permit would give WVDEP  
inspection and enforcement authority over ACP project*

CHARLESTON, W.Va. – The West Virginia Department of Environmental Protection (WVDEP) will hold two public hearings for the Atlantic Coast Pipeline (ACP) construction stormwater permit in December. If approved, the pipeline construction stormwater permit would give WVDEP wide ranging inspection and enforcement authority over the project.

The pipeline construction stormwater permit is an additional environmental protection tool that surrounding states do not have. It was created five years ago to address pipeline construction activities that were otherwise exempt from regulations under the federal National Pollutant Discharge Elimination System (NPDES).

Among other regulatory enhancements, the pipeline construction stormwater permit provides WVDEP inspection and enforcement authority along the entire construction corridor.

The public hearings for the pipeline construction stormwater permit have been scheduled for Dec. 18 at Buckhannon-Upshur High School and Dec. 21 at Pocahontas County High School. Both public hearings begin at 6:00 p.m.

The agency has also announced it has waived the 401 individual certification for the ACP project. Waiving the 401 individual certification does not indicate that there will be fewer environmental requirements to which the ACP must adhere. The special West Virginia conditions that exist in the US Army Corps of Engineers (USACE) Nationwide permit are designed to mirror what would be in a 401 individual certification issued by West Virginia. Under the Nationwide permit, enforcement would be left to federal agencies and would be limited to stream crossings.

Combining the West Virginia special conditions in the USACE Nationwide permit with the broader regulatory oversight in the West Virginia pipeline construction stormwater permit will provide for a level of inspection and enforcement on this large project that is not available in any surrounding state.

*-More-*

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