



Indian Creek Watershed Association
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August 28, 2017

TO: Area landowners who are worried about the effects of the Mountain Valley Pipeline on their water.

Indian Creek Watershed Association (ICWA) has gathered information about issues and alternatives regarding water testing before and during construction of the Mountain Valley Pipeline (MVP).

At this time, MVP has not received certification from the Federal Energy Regulatory Commission. However, getting water tested in advance by a certified independent consultant is one step landowners can take to help ensure that you have credible baseline evidence of the quality of your pre-construction water. ICWA strongly recommends that landowners who have been approached by MVP talk with their attorneys about water testing options.

The information provided is in three separate documents:

- 1) This letter and overview by ICWA outlines some basic issues and alternatives.
- 2) A "Scope of Work" proposal from Downstream Strategies, Inc. (DSS) of Alderson identifies key parameters (what to test for), and costs for Downstream to do that testing. (See file 2-DSS Sampling Options Monroe-Summers.)
- 3) "Recommendations for Landowner Monitoring" gives more information about water testing before and during pipeline construction and a list of independent consultants in our region. This is from a longer publication by Downstream Strategies, *Guidance for Monitoring Effects of Gas Pipeline Development*. (See file 3-DSS Guidance for Monitoring Excerpts.)

Please let us know if you have additional information or resources to share!

Sincerely,

ICWA Board of Directors

Judy Azulay, President; Scott Womack, Vice President;

Howdy Henritz, Treasurer; Nancy Bouldin, Secretary

Email: info@IndianCreekWatershedAssociation.org

ICWA's mission is to preserve and protect Monroe County's abundant, pure water.

We believe education that leads to citizens' involvement with watershed issues and local planning efforts are the key to Monroe County water protection.

WATER TESTING ALTERNATIVES for Monroe County landowners on or near the MVP route

Pipeline construction can affect your water sources.

Because the best way for you to prove damage is to compare a water test done **after** construction to a baseline test done **before** construction, it is important for you to know what to test for.

Who should have their water tested? Downstream Strategies recommends that landowners on or near the pipeline should have their water tested. Please refer to the information “WHO should have their water tested?” excerpted from their publication, [Guidance for Monitoring Effects of Gas Pipeline Development on Surface Water and Groundwater Supplies](#). ICWA recommends that all concerned landowners refer to this publication for critical information about water monitoring. See especially Section 5, “Recommendations for Landowner Monitoring,” which is included with this information packet.

WHO should have their water tested?

You should have your water tested if:

- The pipeline will cross your property
- You are downgradient of a location where the pipeline will cross a stream
- Your water resources are within the specified distances for sampling by ACP or MVP representatives
- Your property overlies karst and is in the vicinity of a pipeline
- Your drinking water source is located near one of the pollution hotspots included in [Table 2](#).
- You are concerned about your water quality related to pipeline development
- Your well or spring is your only source of potable water

How do I get my water tested? If you are a property owner on the MVP route you may have received a letter from MVP requesting permission to test your water at no cost to you. Many landowners have expressed a deep mistrust of MVP and prefer not to allow access onto their property for water testing. While ICWA cannot advise landowners whether to allow MVP to test their water, ICWA does make the strong recommendation that landowners should have their water tested—either by an independent consultant or by MVP—to establish a baseline before pipeline construction.

If you are a property owner concerned about MVP construction impacts to your water but not located on the route (i.e., not contacted by MVP with a water testing offer), you will want to consider independent water testing.

ICWA has gathered information about ways for landowners to get their water tested and what to test for. These alternatives vary in cost to the landowner, substances tested for, and privacy of the test results. Unfortunately, testing by a qualified consultant is expensive, but inadequate testing may not protect you in the event of water contamination.

ICWA strongly recommends that landowners discuss water testing options with their attorneys. Your attorney may be able to advise on whether it would be possible either to require MVP to pay for independent testing as part of an easement provision, or to add protections and stronger testing parameters if you allow MVP to test.

If you know of other alternatives or information, please send an email to ICWA so we can share it with others.

Alternative 1: Contract with an independent consultant to test your water. If you contract with an independent consultant you will not be required to give any of the information to MVP or the FERC, but you will have to pay the costs. If you are going to have an independent consultant test your water it is important to contract with one that has the credentials to assure you that the baseline test and any follow-up tests done on your property can withstand a challenge from MVP in court if legal action becomes necessary. That means that the consultant is certified to collect water samples and that the analysis is performed by an independent certified laboratory.

- It is critical that the first water sampling and testing be complete enough to establish a baseline of possible pollutants caused by pipeline construction.
- For more information, see Sections 5 and 6 from *Guidance for Monitoring Effects of Gas Pipeline Development on Surface Water and Groundwater Supplies*.
- ICWA has asked Downstream Strategies, located in Alderson WV, to provide some estimates of water testing costs for landowners in Monroe and Summers Counties. These cost estimates are found in the 2-DSS Sampling Options document. Downstream Strategies is familiar with the monitoring needs associated with gas pipeline development, the processes involved to guarantee high quality sampling and testing, and the vulnerabilities of the area's water supplies. Landowners are encouraged to contact Downstream Strategies or other qualified consultants in the area.
- We recommend that you consult with your attorney who can guide you in the choice of water testing companies. Your attorney might be able to write a provision into an easement that MVP pay for independent lab testing.

Alternative 2: Allow MVP to test your water at no cost to you. If you want to give permission for free water testing by MVP, we strongly recommend that instead of sending in MVP's form you contact your attorney who can protect your rights. While the following are some examples of provisions that your attorney might include in a letter to MVP, your attorney probably will have some additional ideas:

- MVP may only use the results of the testing to determine if its activities have impacted the identified water sources. MVP cannot gather information (including pictures or videos) unless directly related to the water sampling;
- MVP may not sell or otherwise share the results of the testing with third parties.
- MVP must arrange a date and time with you and can only take water samples if you or your authorized representative are present;
- MVP must provide you with the original and complete results of the testing. This would include all lab sheets, explanations of testing methods used, and chain of custody documents, as given to the company by the laboratory that performed the testing, within 10 days of receiving such results.
- You might want to request (or require) that MVP include the testing parameters outlined in the "Information from Downstream Strategies" section below. These testing parameters have been developed to provide as comprehensive a baseline as possible to detect the presence of pollutants that could be caused by pipeline construction.

Further Guidance:

- We have included two sections of the Downstream Strategies publication *Guidance for Monitoring Effects of Gas Pipeline Development on Surface Water and Groundwater Supplies*. (See file 3-DSS Guidance for Monitoring Excerpts.) Section 5 contains extensive information about some steps you can take on your own to establish a record of your water quality and quantity. Section 6 provides a list of independent consultants in our region. The full document is linked here:
http://www.downstreamstrategies.com/documents/reports_publication/water-supply-monitoring_8-23-16.pdf
- Timing: In its letter to landowners, MVP states that before construction, “Ideally the baseline sampling is conducted twice, approximately three months apart, to account for variability over time of water quality.” Many water quality experts would regard that as a minimum.

For landowners who are thinking about having their water tested, we are attaching information from Downstream Strategies. Downstream Strategies has provided information about three different water sampling options with a full description of each, including price and what they test for. (See file 2-DSS Sampling Options Monroe-Summers.)

- If you are interested in having your water tested, or if you would like more information, please contact Downstream Strategies directly—Meghan Betcher, 304-445-7200 or mbetcher@downstreamstrategies.com
- As you can see from the attached information there is a “group rate” for landowners in Monroe and Summers Counties, so you might want to encourage others to call also or schedule a meeting with the Downstream staff.

Please note: ICWA has shared materials and estimates prepared by Downstream Strategies, Inc., because of their knowledge of the potential hazards of pipeline construction and their familiarity with environmental issues in our area. We appreciate the work that they have done and their interest in protecting the waters of West Virginia. However, ICWA does not endorse Downstream as a water testing resource to the exclusion of other qualified consultants and contractors.