

FOR IMMEDIATE RELEASE:
Tuesday, October 17, 2017

**Court Allows West Virginia DEP to Start Over on Necessary Review of Disputed Pipeline
*DEP Must Conduct Comprehensive Review of Fracked Gas Pipeline After Previous
Assessment was Incomplete***

CHARLESTON, WV -- The Fourth Circuit Court of Appeals today granted an unusual request from the West Virginia Department of Environmental Protection (DEP) - to throw out DEP's approval of the Mountain Valley Pipeline (MVP) and let them start anew. Under section 401 of the Clean Water Act, states must certify that proposed pipelines will not violate state water quality standards before construction can begin. DEP has the responsibility to determine whether or not to issue that certification for West Virginia. Although the MVP received FERC approval last week, pipeline construction cannot proceed until DEP issues a new decision.

DEP previously certified the MVP, but [filed a motion to invalidate it after environmental groups challenged it in court](#). Attorneys with the public interest law firm Appalachian Mountain Advocates filed that challenge on behalf of a coalition that included the Sierra Club, West Virginia Rivers Coalition, Indian Creek Watershed Association, Appalachian Voices, and Chesapeake Climate Action Network.

In response, Sierra Club West Virginia Chapter Gas Committee Chair Justin Raines issued this statement:

"We are pleased to see the court is giving West Virginia's Department of Environmental Protection the chance to fulfill its responsibility and conduct a comprehensive and adequate review of the threats posed to our water quality by the Mountain Valley Pipeline. West Virginians, like all Americans, deserve access to clean, healthy water and DEP would fail at its most basic duty if it doesn't protect us from fracked gas pipelines. This dirty, dangerous pipeline needlessly endangers West Virginia's waterways, wilderness, and communities, and it should be rejected."

Anne Havemann, General Counsel for the Chesapeake Climate Action Network said:

"With [today's] action, the court has given the DEP a second shot at truly protecting hundreds of West Virginia streams and rivers from the impacts of the massive Mountain Valley Pipeline. We expect that DEP will take its responsibility seriously and do everything within its extensive power under section 401 of the Clean Water Act to ensure West Virginians have safe, clean water. Anything less would be an abdication of its duty."

Angie Rosser, Executive Director of the West Virginia Rivers Coalition said:

"It's assuring that DEP is taking its obligations under the Clean Water Act seriously, especially on a project that is likely the largest the agency has ever reviewed under Section 401. The agency could have simply thrown up its hands and waived its authority, but it didn't. It is up to this task. When FERC issued its certification of MVP last Friday, it expressly said that DEP still has the opportunity through this process to protect water quality. After investing considerable taxpayer resources in this process, if DEP were to waive its authority now and forego that opportunity, it would be an inexcusable breach of the public trust. Citizens of this state must

rely on thorough efforts of DEP to make sure the over 600 streams impacted by this pipeline are not adversely affected.”

Judy Azulay, President of Indian Creek Watershed Association, said:

“MVP has charted a brutally challenging and destructive route across 200 miles of West Virginia mountains, forests and farmlands. It is clear in its order that FERC is relying on DEP to fill the holes that the FERC certificate does not address. We look to DEP to now make a close and careful analysis of the effects of pipeline construction on every stream crossed, as well as the critically important impacts of upland disturbances and “ridgetop removal”. If DEP abdicates its responsibility and rubber stamps MVP’s faulty application, how can our landowners and communities trust them to enforce any permit conditions to protect our water and the health of our citizens?”

Peter Anderson, Virginia Program Manager for Appalachian Voices said:

“The federal government has recently indicated it will not protect communities from the harsh environmental and public health impacts of a gas pipeline-building bonanza. Fortunately, states still have the power and the obligation under the Clean Water Act to ensure that projects like the Mountain Valley Pipeline will not violate water quality standards. We are confident that the West Virginia DEP will take its duty seriously and use this opportunity to thoroughly evaluate all of the impacts this project will have on its citizens.”

###

About the Sierra Club

The Sierra Club is America’s largest and most influential grassroots environmental organization, with more than 3 million members and supporters. In addition to helping people from all backgrounds explore nature and our outdoor heritage, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. For more information, visit www.sierraclub.org.

About the West Virginia Rivers Coalition

West Virginia Rivers Coalition is a statewide non-profit organization promoting the conservation and restoration of West Virginia’s exceptional rivers and streams. Since 1989, it has served as the statewide voice for clean, healthy waters for all to use and enjoy. For more information, visit www.wvrivers.org.

About Indian Creek Watershed Association

Indian Creek Watershed Association is a non-profit community based organization whose mission is to preserve and protect Monroe County’s abundant, pure water. For more information, visit www.IndianCreekWatershedAssociation.org.

About the Chesapeake Climate Action Network

The Chesapeake Climate Action Network (CCAN) is the first grassroots, nonprofit organization dedicated exclusively to fighting global warming in the Chesapeake region. Our mission is to build a diverse movement powerful enough to put our region on the path to climate stability. We envision an equitable energy future where truly clean sources of power — efficiency, solar and

wind — sustain every aspect of our lives, and dirty fossil fuels are phased out. For more information, visit www.chesapeakeclimate.org.

About Appalachian Voices

Appalachian Voices is a leading force in America's energy transformation, working at the nexus of the shift from fossil fuels to clean energy for the 21st Century. As a grassroots and advocacy organization rooted deeply in Appalachia, we defend the region from mountaintop removal coal mining, fracked-gas pipeline building, and other harmful practices while promoting clean energy sources that generate local jobs and community wealth, and sustain Appalachia's incomparable natural heritage.

About Appalachian Mountain Advocates

Appalachian Mountain Advocates is a non-profit law and policy center dedicated to fighting for clean water and a clean energy future. Appalmad has a long history of winning precedent-setting court cases and negotiating costly settlements. The organization has secured hundreds of millions of dollars towards conserving natural areas and treating polluted water. We have worked for more than 15 years to ensure that the fossil fuel industry cannot continue to dump its costs of doing business onto the public. For more information, visit www.appalmad.org

Press release contact: Doug Jackson, 202.495.3045 or doug.jackson@sierraclub.org