

September 23, 2021

Honorable Ralph Northam  
Governor of Virginia  
Richmond, Virginia  
c/o Clark Mercer, Chief of Staff  
Clark.Mercer@governor.virginia.gov

Sent via Email and via First Class Mail

Mr. David K. Paylor  
Director, Virginia Department of Environmental Quality  
1111 East Main Street, Suite 1400  
Richmond, Virginia 23219  
David.Paylor@deq.virginia.gov

Dear Governor Northam and Director Paylor,

The undersigned express concern about the lack of a virtual participation option for the upcoming Virginia Department of Environmental Quality (DEQ) hearings before the State Water Control Board on Mountain Valley Pipeline's Clean Water Act Section 401 Water Protection Permit.

We ask that Governor Northam and DEQ take whatever steps necessary, including adding a third "virtual" hearing, to make accommodations for remote participation before the closing of the comment period on October 27, 2021 so that impacted community members and advocates for clean water across Virginia will have the opportunity to share their concerns and perspectives in a safe manner.

Protect Our Water, Heritage Rights (POWHR) coalition surveyed community members and advocates likely to participate in the public comment process. Respondents in impacted communities have indicated that the increasing spread of Covid-19 in Southwest Virginia and lower vaccination rate will suppress turnout at these in-person only hearings. Many of those who are hesitant to attend in-person events have been heavily involved in the public processes throughout the past seven years and deserve the chance to participate at this stage as well.

In keeping with our state administrative law, both oral and written options to comment should be provided. Some can express themselves most effectively and forcefully by speaking and written comments cannot fill the gap left when that is not possible. Further, summaries of written comments presented to the board do not always convey the full picture of the real concerns that residents along the pipeline route have about water quality, climate impacts and safety.

According to the [New York Times](#), as of September 20th, 2021, the following data from counties directly impacted by the MVP is alarming and should warrant a virtual participation option.

In Giles County, "an average of **19 cases per day** were reported in Giles County, a **57 percent increase** from the average two weeks ago. Since the beginning of the pandemic, at least **1 in 9** residents have been infected, a total of **1,833 reported cases**. Right now, Giles County is at an extremely high risk for unvaccinated people. The September numbers are the highest of the entire pandemic for Giles."

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In Montgomery County, “an average of **43 cases per day** were reported in Montgomery County, a **16 percent increase** from the average two weeks ago. Since the beginning of the pandemic, at least **1 in 9** residents have been infected, a total of **10,837 reported cases**. Right now, Montgomery County is at a very high risk for unvaccinated people.”

In Franklin County, “an average of **24 cases per day** were reported in Franklin County, a **17 percent decrease** from the average two weeks ago. Since the beginning of the pandemic, at least **1 in 11** residents have been infected, a total of **5,204 reported cases**. Right now, Franklin County is at an extremely high risk for unvaccinated people.”

In Pittsylvania County, “an average of **33 cases per day** were reported in Pittsylvania County, a **23 percent increase** from the average two weeks ago. Since the beginning of the pandemic, at least **1 in 9** residents have been infected, a total of **7,031 reported cases**. Right now, Pittsylvania County is at an extremely high risk for unvaccinated people. So far, September has been the month with the highest average cases since January 2021 in Pittsylvania County.”

In Roanoke County, “an average of **43 cases per day** were reported in Roanoke County, a **38 percent increase** from the average two weeks ago. Since the beginning of the pandemic, at least **1 in 9** residents have been infected, a total of **10,180 reported cases**. Right now, Roanoke County is at an extremely high risk for unvaccinated people.”

Regional hospitals are already stretched to their limits and in many cases their ICUs are entirely full, as reported by the New York Times as of September 20th, 2021. The impacted communities should not have to risk increased community transmission and further burden on their already maximized healthcare systems. Concerned Virginians and others traveling to the hearings should not have to risk their personal health, their families’ health and the health of their own communities in order to participate in their government and have their voices heard.

Carilion Giles ICU **97% full**

Lewisgale Hospital Montgomery ICU **97% full**

Carilion New River Valley ICU **97% full**

Carilion Roanoke Memorial Hospital ICU **100% full**

Carilion Franklin Memorial Hospital ICU **75% full**

According to [WXFR](#) in Roanoke on September 15th, “this past weekend, Carilion Clinic set up an outdoor, climate-controlled tent at the New River Valley Medical Center to help with emergency room waiting times, which are longer than normal because of a rise in COVID-19 cases.” According to [Virginia Mercury](#) on September 18th, “over the last week, health systems and emergency physicians across Virginia have sounded the alarm over a surge of COVID-19 hospitalizations [threatening to overwhelm](#) many emergency rooms.” According to the [Virginia Mercury](#) on September 13th, “Dr. Todd Parker, president-elect of the Virginia College of Emergency Physicians, said almost every hospital across the

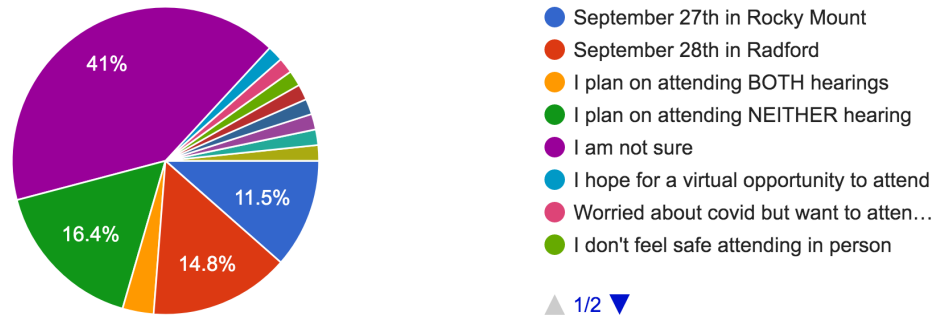
state is struggling with overcrowding, widespread staffing shortages and difficulty transferring patients — who frequently require higher levels of care — to facilities experiencing the exact same challenges.”

On September 20th, [WDBJ](#) reported, “Carilion Franklin Memorial Hospital set up an outdoor, climate-controlled tent next to its emergency department Monday to meet the needs of patients during a COVID surge. According to Carilion Clinic, the tent will provide waiting room space for patients and visitors and allow for better social distancing as hospitals continue to see an influx of patients. This tent is similar to the one that’s been set up, but is not in use, at the Carilion New River Valley Medical Center.”

The following graphics summarize the responses POWHR received to a survey it recently conducted. Of the 61 people who answered the survey, the vast majority of whom have been and continue to be involved in the regulatory processes as well as many impacted landowners or adjacent landowners, 41% indicated they were ‘not sure’ if they would attend either hearing. 16.4% indicated they would be attending neither meeting. **86.9% of all respondents indicated they would feel more comfortable attending if there were an option to participate in a virtual or hybrid format. For those who indicated they were attending neither hearing in person, they were asked why and able to choose more than one option; 67.2% indicated it was due to COVID 19 risk and 42.6% indicated it was due to a lack of a virtual participation option.**

Do you plan on attending either hearing in person?

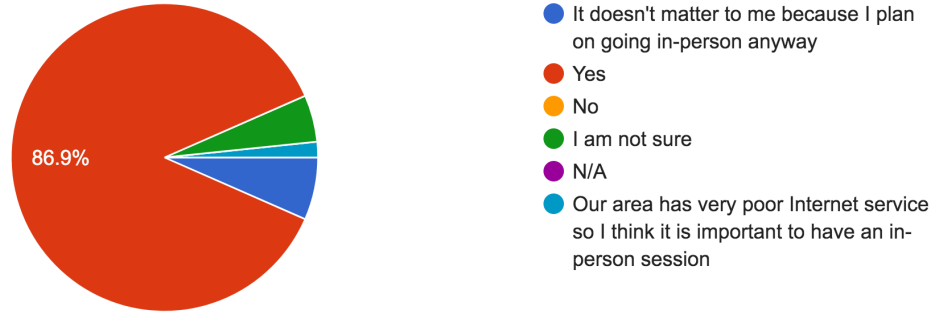
61 responses



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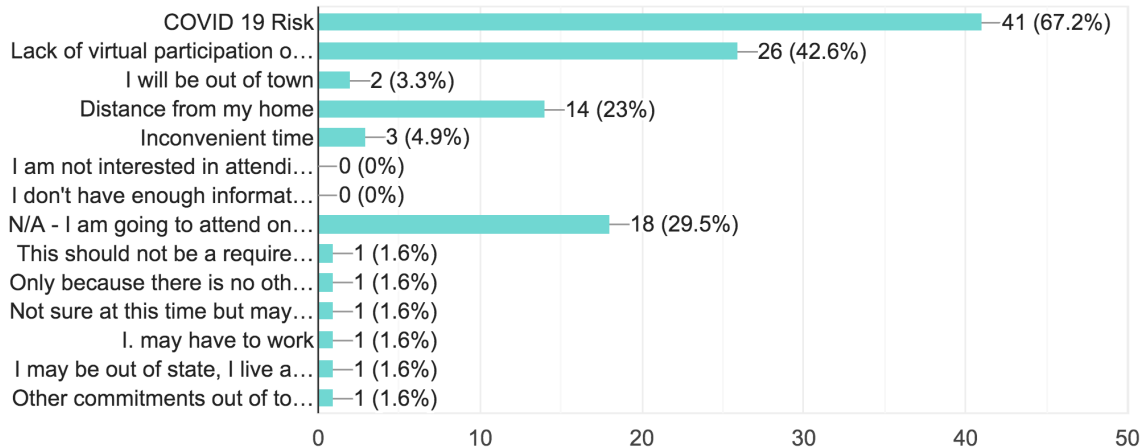
If these hearings were held with a virtual/hybrid option, would you then feel comfortable/interested in participating in one or both?

61 responses



If you plan on attending NEITHER hearing, or you are not sure, why? (Check all that apply)

61 responses



Members of those communities that will be directly affected by the State Water Control Board’s decision on this permit should have the opportunity both to listen to the discussion and to deliver their own comments directly to the Board. While we appreciate DEQ locating the in-person only hearings as near as possible to directly impacted communities, Virginia DEQ should schedule a “virtual” third hearing to make remote participation accessible during the unabated spread of COVID-19 in the most impacted areas.

Sincerely,

The Undersigned

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Protect Our Water Heritage Rights (POWHR)	Plowshare Peace & Justice Center
Green New Deal Virginia	New River Valley Group, Virginia Chapter of Sierra Club
Preserve Salem	Future Economy Collective
Friends of Buckingham	Preserve Franklin County
The Ecological Justice Initiative	Newport-Mt. Olivet United Methodist Church
Preserve Floyd	Sierra Club Virginia Chapter
Virginia Citizens Consumer Council	Chatham Research Group
350 Triangle	Preserve Giles County
Mothers Out Front Roanoke	Extinction Rebellion Richmond
Preserve Bent Mountain	ARTivism Virginia
Preserve Montgomery County VA	Extinction Rebellion
Coalition to Protect Blacksburg Waterways	Preserve Rockbridge
7 Directions of Service	Loudoun Climate Project
Allegheny-Blue Ridge Alliance	Wild Virginia
Blue Ridge Environmental Defense League	Mothers Out Front
Virginia Pipeline Resisters	Virginia Organizing Charlottesville Chapter
Appalachian Voices	Virginia Organizing New River Valley Chapter
Union Hill Freedmen Family Research Group	Food & Water Watch
Chesapeake Climate Action Network	Preserve Craig
Unitarian Universalist Church of Loudoun Environmental Justice Team	

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Grace Tuttle	Timothy Kern
Russell Chisholm	Henry Koch
Lynn Godfrey	Kavon Thompson
Jessica Sims	Jonathan Sokolow
Mary Finley-Brook	Morgan Simon
Suzanne Keller	Cody Chau
Richard Shingles	Jack Cromwell
Cynthia Munley	Leila Wass
Helene Leichter	Bronson McCleod
Kaitlyn O'Leary	Virginia Pannabecker
Madeleine Fitzgerald	Amy Nelson
Emily Herrera	Brigitte Meyer
Junko Takahashi	Megan Salters
Veronica Merrill	Magnolia Kaylee Stuart
Griffin Victorson	Tom Elliott
Patricia Ramsay	Jane Horner
Aris Karamustafic	Razan Khalil
Julia Berutti	Kenda Hanuman
Merrick McMahon	Aidan Propst
Sandra Mauro	Heidi Dhivya Berthoud
Mara Eve Robbins	Mabry Griffin
Sofia Torrens	Deb Schug
Braxton Klay Sandman	Dianna B. Richardson
Emily Satterwhite	Sharon Phillip
Irene E. Leech	William F. Limpert
David Carpio	Louisa Gay
Karen Bearden	Mark Hileman
Cynthia Munley	Sydney Johnson
Roberta Bondurant	Robert Marcus Jarrell
Beth Kreydatus	J. Phillip Pickett
Lynda J Majors	Gabe Gavin

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Shannon Bell	Ivana Filipovic
Elizabeth Struthers Malbon	Adam Henry Webster
Tina Smusz	Linda Parsons Sink
Sandra Schlaudecker	Stacy Lovelace
Ellen Darden	Lakshmi Fjord, Ph.D.
Elizabeth Alden	Bruce Zoecklein
Javad Torabinejad	Bruce M Coffey
Mary Ann Capp	Virginia Chapman
Matthew Pickett	Elle De La Cancela
Patricia J Tracy	Elizabeth Terry Reynolds
Amy Scott	Amy R Shea
Hannah Saggau	Kim Kirkbride
Alexander Pellegrino	Suzanne Vance
Tiba Fatli	Thomas Nieland
Anne Stewart	Deirdre Joy
Joseph Pellegrino	Elizabeth K Williams
Ryan Wagener	Steven Kelly Gillespie
Bill Wolf	Martha Girolami
Michael L. Bentley	Donna Pitt
Deborah Kushner	Barbara M Tafuni
Savannah Paige Murray	Kim Niewolny
Pamela Rae Hess	Robin Scully
Alan Harold Moore	Jane Rosalie Birdsong
Lauren Malhotra	George H Smith
Bonnie Law	Susan M. Scerbo
Douglas scott Chancey	Barry O'Keefe
Tom Hoffman	Bill Muth
Thomas Adams	Tess Amoruso
Dave Werner	Margaret Katharine Whitehead
Golden Carter	Bruce Streicher
Robert McNutt	Eric Olson-Getty
Sara Jobin	Kelli Whitfield

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Camila Leiva

Kay Ferguson

Addie Johnson

Terry McGuire

MaryBeth Coffey

Bridget Kelley-Dearing

Natalie Pien

David Sligh

Crystal Ann Cavalier

Michele Mattioli

Desiree Shelley

Karen Laura Anderson

Rosemary Gould

Margo Sorokin

Eileen Woll

Matgo Sorokin

Wendy J. Crannage

Elizabeth Collins

Mary-Stuart Torbeck

William Johnson

Cheri Conca

Connie Fitzsimmons

Julie Shepherd-Powell

Kelly Adams

Paige Wesselink

Miriam J Brancato



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cc: Melanie Davenport, Director, Water Permitting Division  
Heather Wood, State Water Control Board  
Lou Ann Jessee-Wallace, State Water Control Board  
Jillian Cohen, State Water Control Board  
Timothy G. Hayes, State Water Control Board  
Paula Hill Jasinski, State Water Control Board  
Ryan C. Seiger, State Water Control Board  
Dr. Jack O. Lanier, State Water Control Board