

Dear Virginia Delegate _____

I urge you not to confirm the reappointment of David Paylor as the Director of the Virginia Department of Environmental Quality as directed in the Senate Joint Resolution #292 which now comes to the House.

There are serious ethical and conduct issues surrounding Mr. Paylor's work especially in the permitting processes connected with the Mountain Valley and Atlantic Coast Pipelines.

The links below begin to detail those issues and alone warrant that Mr. Paylor's confirmation be delayed until either your Privileges and Elections Committee or the appropriate legislative body reviews Mr. Paylor's conduct. I ask that you support that that investigation and that you oppose Mr. Paylor's confirmation.

I understand this questioning of a Governor's appointment lacks precedent, but so does the level of corruption revealed to Virginia citizens in the four years of their efforts to protect their water and their right to own their own land. We were told to go to the regulatory agency. We were told the science would be honored. What we found is that the DEQ director and the Governor are favoring these projects and their owners. The science has not been honored. What do we do? Where do we go?

In addition to the issues raised in the links below, Mr. Paylor gave the State Water Control Board misleading information as to the scope of their authority when considering the 401 water certificates for both the MVP and ACP in the fall and winter of 2017; Mr. Paylor directed his Air Division staff to manipulate census data and to declare, falsely, that the community of Union Hill was not a majority African American community; Mr. Paylor failed to inform the SWCB about the number of water permit violations MVP had committed prior to a Board member's insistence; Mr. Paylor had a clear hand in delaying the November 9, 2018 Air Pollution Control Board vote on the proposed ACP compressor station in Union Hill so that Board could be reconfigured in favor of Dominion and in so doing participated in a disruption of due process on that vote; and Mr. Paylor has turned public hearings and meetings on these issues into intimidating armed camps.

The people of Virginia who have followed the MVP and ACP permitting process are clear that they are doing the work Mr. Paylor and his agency should be doing and are paid to do and that Mr. Paylor is working for corporate interests and not for the protection of Virginia's environment.

Asking for your attention and your protection,

<https://bluevirginia.us/.../deq-director-david-paylor-lied-to...>

<https://www.virginiamercury.com/.../when-i-was-accused-of-wo.../>

<https://www.virginiamercury.com/.../former-water-board-membe.../>

https://www.richmond.com/.../article_01c762ba-5220-592e-af54-...

<https://www.desmogblog.com/.../virginia-air-board-william-fer...>

<https://www.desmogblog.com/directory/vocabulary/10009>

<http://pipelineupdate.org/.../chairman-didnt-understand-stat.../>

Further citizen concerns regarding Mr. Paylor's performance as Director of the Virginia Department of Environmental Quality:

Director Paylor knowingly put Virginia's water resources at risk when the Department of Environmental Quality persuaded the State Water Control Board to grant water quality certifications to the Mountain Valley Pipeline and the Atlantic Coast Pipeline in December 2017. Mr. Paylor has thereby demonstrated that he lacks the capacity to serve the citizens of Virginia in the public interest.

Thousands of citizens warned of harms to streams, groundwater, and water supplies from the construction and operation of the Mountain Valley Pipeline. Director Paylor mollified citizen concerns with paper mitigation plans and false promises that the agency would monitor construction. Nearly each and every concern described and predicted by citizens has become reality in the construction process, and the mitigation plans for those have all failed.

The fact that the DEQ and State Water Control Board had to sue MVP to enforce the water quality certification is a condemnation of the certification process and an embarrassment to the agency. The pending lawsuit against Mountain Valley Pipeline citing over 300 environmental violations (most of which were reported by citizens and not discovered by DEQ inspectors) is an admission that the DEQ under Mr. Paylor failed its duty to protect our valuable water resources and the failures should be investigated.

On January 18, 2019, former State Water Control Board member Roberta Kellam disclosed Director Paylor's industry bias in the Virginia Mercury. Ms. Kellam reported that Director Paylor approached her with "ferocity" and accused her of "working for the opposition" when she questioned the harmful environmental impacts to water sources by current construction of the MVP. Shortly thereafter, she was dismissed from service on the State Water Control Board. The Virginia Senate needs to investigate precisely what Mr. Paylor said or did to Ms. Kellam, a well respected and long time public servant and volunteer member of the SWCB, before voting on whether he is fit to continue as Director of DEQ. On January 2, 2019, Ms. Kellam verified that significant 401 Certification violations continue to cause harm to water resources when she toured MVP construction sites. David Paylor lacks the capacity to serve the citizens of Virginia in the public interest. <https://www.virginiamercury.com/.../when-i-was-accused-of-wo.../>

DEQ inspectors have been understaffed and under-qualified to investigate the violations of the Clean Water Act Section 401 water quality certifications. Instead, citizen scientists, hydrologists,

landowners and other volunteers are spending their free time and resources to properly document water quality violations. When the contract inspectors perform investigations, they only perform inspections of sediment and erosion control measures. There are no aquatic biologists on the investigations staff and there are no evaluations of the impacts impacts to streams and wetlands that are polluted by the construction. Director Paylor and his staff represented to the public that the project would be monitored and regulated, and his failure to fulfill those representations should be investigated.

David Paylor misled the Virginia Air Pollution Control Board regarding health assessments essential to the recent vote approving an industrial fracked gas compressor station in Union Hill, VA. DEQ also misrepresented the racial composition of Union Hill, claiming that it is a majority white community when a door to door study revealed it to be 83% minority and overwhelmingly African American. These misrepresentations should be investigated.