



ABRA Update #133 – June 8, 2017

DEQ, Army Corp Officials See ACP Water Quality Challenges

David Paylor, Director of the Virginia Department of Environmental Quality, and Steve Gibson of the Norfolk, VA district office of the U.S. Army Corp of Engineers visited the proposed route of the Atlantic Coast Pipeline (ACP) on June 6 to see first-hand the water quality challenges the project presents. The all-day session, co-hosted by the Jackson River Preservation Association and the Cowpasture River Preservation Association, involved visits to several sites in Highland and Bath Counties, VA where the ACP route would present threats to water quality. The Jackson River and Cowpasture River combine to form the James River south of the ACP route.



Left: Ryan Hodges (l), Co-Chair of Voices From Bath, shows David Paylor of the VA DEQ where the ACP would cross the Jackson River, seen in the background. Right: Rick Lambert of the Highland County Cave Survey (r) discusses the geological characteristics and challenges of the route with Steve Gibson of the Corp of Engineers (c) and Bill Wilson (l), President of the Jackson River Preservation Association.

Among concerns expressed to Mr. Paylor and Mr. Gibson were the effects of construction through several areas of karst topography, several of which have not been properly identified and mapped by the ACP's consultants. A second serious concern voiced to the regulators was the erosion and long-term instability that would be produced by steep slope construction, particularly in those places where mountain tops will be removed, and the resulting pollution by the residue of streams, rivers and karst recharge areas.

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DPMC Sues Virginia DEQ On Practices in Issuing Water Quality Certificates

The Dominion Pipeline Monitoring Coalition (DPMC) filed suit on June 5 against the Virginia Department of Environmental Quality (DEQ) in state Circuit Court for the City of Richmond. DPMC is asking the court to rule that DEQ issued a Clean Water Act section 401 Water Quality Certification for construction of utility lines, including natural gas pipelines, in state waters without legal authority to do so and without ensuring water quality would be protected.

DEQ's general Water Quality Certification was issued on April 7, 2017 for a U.S. Army Corps of Engineers' general permit, named Nationwide Permit No. 12, that also addresses utility line impacts on streams and wetlands. A party cannot begin a project that affects waterbodies under the Corps of Engineers permit unless Virginia certifies that the work allowed under the federal permit will meet all state water protection requirements. DPMC asserts that DEQ failed to provide such assurances to properly protect Virginia waters and those who use them.

The [DPMC suit](#) makes four main claims:

1. DEQ issued the blanket Certification, which qualifies as a regulation, despite the fact that state law prohibits DEQ officials from adopting regulations.
2. DEQ failed to follow procedural requirements regarding the public comment opportunities and reviews by the Department of Planning and Budget.
3. DEQ failed to make any analysis to assess whether compliance with state water quality standards could be assured.
4. DEQ failed to acknowledge or address evidence provided by DPMC and others showing that activities covered by the Corps permit would cause serious damage to streams and violate Virginia standards.

Legislation Introduced to Strengthen Public's Evaluation of Gas Pipelines

U.S. Senators Tim Kaine and Mark Warner introduced legislation on June 7 to strengthen the public's ability to evaluate the impacts of natural gas pipelines being considered by the Federal Energy Regulatory Commission (FERC). U.S. Representative Morgan Griffith will introduce similar legislation in the House.

S. 1314 makes it easier for the public to offer input and clarify the circumstances under which eminent domain should and should not be used. Among other guidelines, the bill requires public comment meetings to be held in every locality through which a pipeline would pass, at every stage of the review process, in order to minimize situations where individuals are forced to commute long distances with very little time to comment. While Congress does not decide on the merits of individual gas pipeline projects, it provides the legal authority under which FERC is tasked with evaluating the benefits and drawbacks to energy infrastructure proposals. Text of the legislation is available at this writing, but a [press release from Sen. Warner's](#) office describes the major features of the bill.

Sen. Warner is also a co-sponsor of another bill aimed at providing greater public involvement in the FERC process. An article on that bill, S. 1240 (a House companion measure is H.R. 2656), that appeared in last week's [ABRA Update](#).

In the News:

Local/Atlantic Coast Pipeline

Group sues Virginia environmental agency over pipeline permitting

- Richmond Times-Dispatch – 6/7/17

http://www.richmond.com/news/group-sues-virginia-environmental-agency-over-pipeline-permitting/article_e782a890-1a30-544f-8e27-235273adcf42.html

The suit, filed Monday by the Dominion Pipeline Monitoring Coalition, Bold Alliance and Preserve Craig Inc., contends that the DEQ lacked authority to issue the certification and failed to follow procedural requirements for adoption of a regulation.

Related:

<http://pipelineupdate.org/wp-content/uploads/2017/06/DPMC-Sues-Virginia-DEQ-Announcement.pdf>

DEQ director visits area in pipeline path

- The Recorder – 6/8/17

http://www.abralliance.org/wp-content/uploads/2017/06/DEQ_director_visits_area_in_pipeline_path-Recorder_20170608.pdf

Related:

<https://www.usnews.com/news/best-states/virginia/articles/2017-06-08/top-virginia-environmental-official-defends-pipeline-reviews>

Dominion Energy Pulls Out All Stops For Pipeline Win

- WhoWhatWhy – 6/8/17

<https://whowhatwhy.org/2017/06/08/dominion-energy-pulls-stops-pipeline-win/>

Related:

<http://priceofoil.org/2017/06/08/dominions-deep-reach-in-virginia-taints-atlantic-coast-pipeline-approval-process/>

Dominion outlines pipeline construction, safety

- The Recorder – 6/8/17

http://www.abralliance.org/wp-content/uploads/2017/06/Dominion_outlines_pipeline_construction_safety-Recorder_20170608.pdf

Emergency planning is an important part of planning for the possibility of ACP construction.

Lawyers provide eminent domain advice

- The Recorder – 6/8/17

http://www.abralliance.org/wp-content/uploads/2017/06/Lawyers_provide_eminent_domain_advice-Recorder_20170608.pdf

Landowners should not deal with eminent domain threat unarmed. Obtaining counsel or at least legal advice is critical to avoid coercive tactics of pipeline company agents.

Regional/Mountain Valley Pipeline, other

Legislators seek reform of FERC's pipeline review process

- The Roanoke Times – 6/7/17

http://www.roanoke.com/business/news/legislators-seek-reform-of-ferc-s-pipeline-review-process/article_c24e3e30-28fo-5bb1-ae84-121c7f49ece9.html

The reforms recommended by Kaine and Warner echo many changes long sought by opponents of the two projects, but would not retroactively affect MVP or ACP.

Related:

<http://www.newsleader.com/story/news/local/2017/06/07/kaine-warner-aim-make-pipeline-approval-process-fairer-and-more-transparent/378962001/>

Virginia governor's race 'a referendum on pipelines'

- The Roanoke Times – 6/4/17

http://www.roanoke.com/news/virginia/virginia-governor-s-race-a-referendum-on-pipelines/article_235bc985-3596-5ede-b9c2-ca921fo6ba39.html

As filings pile up, pipeline watchdogs call for supplemental draft environmental impact statement

- The Roanoke Times – 6/4/17

http://www.roanoke.com/business/news/as-filings-pile-up-pipeline-watchdogs-call-for-supplemental-draft/article_8218f498-d4a5-5c2c-85a9-eb6351cd7d13.html

Thousands of pages of detailed information have been filed by MVP since the cutoff date for public comments...the same has happened with the ACP. This seems to be a purposeful strategy to prevent the public from reviewing and commenting on the projects.

Franklin County family repels surveyors with help of sheriff's office

- The Roanoke Times – 6/6/17

http://www.roanoke.com/business/news/franklin-county/franklin-county-family-repels-surveyors-with-help-of-sheriff-s/article_4d20eaf9-742d-5c3c-bdd4-ea421dba3570.html

Big Picture:

Senate Panel Advances Energy and Interior Nominees

- Roll Call – 6/6/17

<http://www.rollcall.com/news/policy/senate-panel-advances-energy-interior-nominees>

Related:

<http://www.washingtonexaminer.com/ron-wyden-trumps-ferc-nominees-would-take-orders-from-the-white-house/article/2625022>

In A Northeast Minute...Everything Can Change - Appalachia Natural Gas Production Outlook

- RBN Energy – 6/6/17

<https://rbnenergy.com/in-a-northeast-minute-everything-can-change-appalachia-natural-gas-production-outlook>

Many questions remain about Appalachian gas production and potential takeaway capacity.

States, Municipalities Stepping Up Climate Change Efforts Following Trump Decision

- Natural Gas Intelligence – 6/2/17

<http://www.naturalgasintel.com/articles/110658-states-municipalities-stepping-up-climate-change-efforts-following-trump-decision>

"Americans will honor and fulfill the Paris agreement by leading from the bottom up -- and there isn't anything Washington can do to stop us."

Natural Gas Faces Renewed Threats

- Barron's – 6/2/17

<http://www.barrons.com/articles/natural-gas-faces-renewed-threats-1496457499>

Threat of continued glut raises questions about industry profitability and environmental consequences of long-term cheap gas.

Paris and Beyond: A Climate Change Accord Without the U.S.

- Forbes – 6/6/17

<https://www.forbes.com/sites/stratfor/2017/06/06/paris-and-beyond-a-climate-change-accord-without-the-u-s/#68ceae393640>

The Paris deal pullout is more damaging to the US than the climate

- The Guardian – 6/1/17

<https://www.theguardian.com/environment/2017/jun/01/donald-trump-paris-climate-deal-pullout-us-impact>

The US abandoning the global climate deal brings risks, but the unity of the rest of the world and plummeting green energy costs are reasons for hope.

Related:

<https://www.theguardian.com/environment/2017/jun/06/spectacular-drop-in-renewable-energy-costs-leads-to-record-global-boost>