



ABRA Update #183 – June 1, 2018

New Study Says ACP and MVP Present Serious Threats to Drinking Water

“Numerous environmental risks associated with pipeline construction and operation present direct threats to groundwater resources,” according to a study released this week by the Natural Resources Defense Council. The study, [*Threats to Groundwater from the Mountain Valley Pipeline and Atlantic Coast Pipeline in Virginia*](#), was conducted by Downstream Strategies of Morgantown, WV. The study assessed the impact the two pipeline projects would have on private drinking water wells and springs in Virginia. Among study’s findings and recommendations are:

- Pipeline construction and operation present serious threats to underground sources of drinking water via soil compaction and excavation, surface spills of diesel and other petrochemicals, blasting and trenching, alterations of topography, exposed geology, hydrostatic testing, sinkhole filling and development, and drilling.
- In Virginia, approximately 2 million people rely on groundwater resources for drinking water.
- Baseline testing plans for both water quantity and quality, for both the ACP and MVP, are inadequate to protect drinking water sources, and do not match best management practices.
- To ensure protection of groundwater resources in non-karst areas, testing of private water wells should be expanded beyond the current 150-foot limit.
- To ensure protection of groundwater resources in karst areas, testing of private water wells and springs should be expanded beyond the current distance limits.
- The karst mitigation plans for both pipelines are inadequate.

U.S. Army Corps Asked to Suspend ACP’s Permit

Several ABRA member groups and others have requested the Army Corps of Engineers to “immediately notify Atlantic Coast Pipeline, LLC (‘Atlantic’) that authorization of construction of river, stream, and wetland crossings for the Atlantic Coast Pipeline under the Corps’ Nationwide Permit 12 is suspended pending the re-initiation and completion of

<p><i>Volunteer for ABRA’s Pipeline CSI Program</i></p> <p><u>Volunteer</u></p>	<p><i>Submit a report to the Pipeline CSI</i></p> <p><u>Report</u></p>	<p><i>Stay informed, like us on Facebook.</i></p> 	<p><i>Support ABRA financially</i></p> <p><u>GiveNow</u></p>
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Section 7 consultation under the Endangered Species Act ('ESA')." [The June 1 letter](#), sent by Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation on behalf of their respective clients, noted that as a result of the Fourth Circuit Court of Appeals' May 15 decision vacating the U.S. Fish and Wildlife Service's Incidental Take Statement for the Atlantic Coast Pipeline, the "Corps' consultation obligations for the project under Section 7 of the Endangered Species Act are incomplete, and construction must not proceed until the defects of the Incidental Take Statement are resolved."

Continuing, the letter argues:

Atlantic continues to make public statements and filings to FERC indicating it is pushing forward with pipeline construction. Therefore, prompt action by the Corps to suspend Nationwide Permit 12 authorization is necessary to meet the requirements of the ESA, Corps' regulations, and Nationwide Permit 12, and to and prevent illegal harm to listed species. Should the Corps ignore these requirements and allow Atlantic to proceed with pipeline construction, the agency risks running afoul of the ESA's prohibition on the "irreversible or irretrievable commitment of resources" during consultation and incurring civil and criminal liability should listed species be taken.

CSI Has New Online Incident Reporting Form Available

ABRA's Compliance Surveillance Initiative program now has a convenient online form available for reporting observations of pipeline construction noncompliance and pollution incidents. The form which was developed in consultation with the West Virginia Rivers Coalition, Trout Unlimited and the Mountain Valley Watch, provides a convenient way to submit reports, including photos, for not only the Atlantic Coast Pipeline, but the Mountain Valley Pipeline and other pipeline projects. The form is available on the CSI website (click [here](#)).

Incidents of pipeline non-compliance can still be reported by email to csi@abralliance.org or to ABRA's hotline (877-GO2ABRA or 877-462-2272).

Status of: DEQ Website Status, NWP 12 Comment Period, Water Board Meeting

The Virginia Department of Environmental Quality (DEQ) website which has been down since May 22, was due to operational again by June 1 (though as of 3 pm on June 1, it was not). As a result, the DEQ has indicated it will extend the comment period for receiving public input on the adequacy of the U.S. Corps of Engineers' NWP 12 permit for the Atlantic Coast Pipeline and the Mountain Valley Pipeline. A new deadline will be announced as soon as the website is back up and we will advise you of that by email.

In the meantime, the next regular meeting of the State Water Control Board, which had been scheduled for June 11, has been cancelled and will rescheduled for August 21 in Richmond. Stay tuned!

In the News:

Local/Atlantic Coast Pipeline

Draft Statement from Virginia Advisory Council on Environmental Justice Calls for New Gas Infrastructure Moratorium, Stream-by-Stream Assessment

- Blue Virginia – 5/30/18

<http://bluevirginia.us/2018/05/draft-statement-from-virginia-advisory-council-on-environmental-justice-calls-for-new-gas-infrastructure-moratorium-stream-by-stream-assessment>

The advisory council, created by former Gov. Terry McAuliffe in 2017, also said the placing of the Atlantic Coast Pipeline's compressor station in Union Hill, a historic African-American community in Buckingham County, exhibits racism and maintained that the human rights of protestors — including those who have engaged in tree sits — are being violated by state and local law enforcement officials as well as the U.S. Forestry Service.

New State Environmental Justice Board Faces Rocky Start

- Creative Loafing Charlotte – 5/30/18

<https://clclt.com/charlotte/new-state-environmental-justice-board-faces-rocky-start/Content?oid=9811147>

State Water Control Board is doing its duty well

- Richmond Times-Dispatch – 5/29/18

http://www.richmond.com/opinion/your-opinion/letters-to-the-editor/cod-may-state-water-control-board-is-doing-its-duty/article_59d7283d-5b34-5c89-8994-75dc90ace0a2.html

Pipeline Bombshell: Even Dominion Energy Says Mountain Valley Pipeline Contractor Is Incompetent

- Blue Virginia – 5/28/18

<http://bluevirginia.us/2018/05/pipeline-bombshell-even-dominion-energy-says-mountain-valley-pipeline-contractor-is-incompetent>

Regional/Mountain Valley Pipeline, other

Mudslide Pushes Landowners to Sue Mountain Valley Pipeline

- EcoWatch – 5/31/18

<https://www.ecowatch.com/mountain-valley-pipeline-mudslide-2573935524.html>

The suit says the company showed a "startling disregard" for the impacts of construction and asked the judge to stop work on the pipeline.

Anti-terrorism agencies involved in monitoring protesters of Mountain Valley Pipeline

- Richmond Times-Dispatch – 6/1/18

http://www.richmond.com/news/plus/anti-terrorism-agencies-involved-in-monitoring-protesters-of-mountain-valley/article_2c0ee2e0-a700-5a18-a5c3-cde2e109776f.html

The Forest Service Is Protecting Pipelines Instead Of Public Lands

- Blue Ridge Outdoors – 5/28/18

<https://www.blueridgeoutdoors.com/environment/the-forest-service-is-protecting-pipelines-instead-of-public-lands/>

"time, place, and manner restrictions are unconstitutional if they are 'designed to suppress expression' therefore, the Forest Service can apply these regulations as long as the purpose is not to overpower the constitutional rights of the public and press."

Franklin County won't lease property to Mountain Valley Pipeline for storage yard

- The Roanoke Times – 5/29/18

http://www.roanoke.com/news/local/franklin_county/franklin-county-won-t-lease-property-to-mountain-valley-pipeline/article_bfbb31d3-442a-5a21-bofi-f1637159b027.html

Dominion Energy under scrutiny after mud clogs water system near utility's SC project

- The State – 5/24/18

<http://www.thestate.com/news/business/article211792449.html>

Upstate South Carolina is *much* easier terrain in which to build a pipeline than the mountains of Virginia and West Virginia. If Dominion's shoddy work shut down a public water system there, what can we expect here?!

Big Picture:

BREAKING: Trump orders Perry to stop coal, nuclear retirements

- Utility Dive – 6/1/18

<https://www.utilitydive.com/news/breaking-trump-orders-perry-to-stop-coal-nuclear-retirements/524805/>

Administration prepares national security-related strategy to intervene hugely in U.S. power markets, and potentially nationalize parts of the U.S. power sector.

Related:

- <https://www.bloomberg.com/news/articles/2018-06-01/trump-said-to-grant-lifeline-to-money-losing-coal-power-plants-jhv94ghl>

Public Comments on Pipeline Plans May Be Slipping Through Cracks at FERC, Audit Says

- Inside Climate News – 5/31/18

<https://insideclimatenews.org/news/31052018/public-comments-oil-gas-pipelines-ferc-review-energy-department-inspector-general-audit>

An inspector general's report also raises concerns about transparency and public access to information at FERC, the Federal Energy Regulatory Commission.

Related:

- <https://www.utilitydive.com/news/doe-ig-report-faults-ferc-pipeline-reviews-for-lack-of-transparency/524676/>

A Year After Trump's Paris Pullout, U.S. Companies Are Driving a Renewables Boom

- The New York Times – 6/1/18

<https://www.nytimes.com/2018/06/01/climate/companies-renewable-energy.html>

Dozens of Fortune 500 companies, from tech giants like Apple and Google to Walmart and General Motors, are voluntarily investing billions of dollars in new wind and solar projects to power their operations or offset their conventional energy use, becoming a major driver of renewable electricity growth in the United States.

We're keeping our Paris climate change commitments and our economies are booming: Governors

- USA Today - 6/1/18

<https://www.usatoday.com/story/opinion/2018/06/01/climate-change-work-continues-trumps-paris-retreat-governors-column/661059002/>

Too bad *our* respective governors have not joined the party!

State-Level Permitting Uncertainties Delay Pipeline Construction in LA, NY, and VA

- Inside Sources – 5/24/18

<http://www.insidesources.com/state-level-permitting-uncertainties-delay-pipeline-construction-in-la-ny-va/>

Related:

- http://www.dailyprogress.com/newsvirginian/news/economy/coalition-unhappy-about-new-comment-period-on-acp-permits/article_c139b232-645e-11e8-9131-7f48d17b43db.html

A radical US startup has successfully fired up its zero-emissions fossil-fuel power plant

- Quartz – 5/31/18

<https://qz.com/1292891/net-powers-has-successfully-fired-up-its-zero-emissions-fossil-fuel-power-plant/>

The theory is sound. It should work. But a whole new generation of gas-fired power plants does nothing to stem the leakage of methane in the production and distribution system, or the destruction and injustice create by natural gas extraction. And storage/beneficial use of millions of tons of CO₂ each year is still a tough nut to crack.

Related:

- <https://www.vox.com/energy-and-environment/2018/6/1/17416444/net-power-natural-gas-carbon-air-pollution-allam-cycle>

Clean energy will do to gas what gas has done to coal

- The European Sting – 5/31/18

<https://europeansting.com/2018/05/31/clean-energy-will-do-to-gas-what-gas-has-done-to-coal/>

RMI's US-focused analysis suggests that hundreds of billions of dollars of planned investment in natural gas infrastructure could be stranded over the coming decades, despite the US' abundance of cheap, local gas.