



ABRA Update #148 – September 21, 2017

Virginia Governor Urged to Protect State’s Water Quality in Pipeline Reviews

The Dominion Pipeline Monitoring Coalition (DPMC) has written Virginia Governor Terry McAuliffe “to restore the integrity and credibility of your administration’s regulatory reviews of the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP) proposals.” The [September 22 letter](#) points to recent regulatory actions in other states to address concerns over the impact of natural gas pipelines on water quality:

These judicial and state actions further illustrate that Virginia has all necessary authority to reject pipeline projects unless it is proven that water protection standards will be met and that the evidence now before the State fails to meet that requirement for either ACP or MVP.

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Your administration must follow the example North Carolina has shown. Do not force your constituents to take problems with ACP and MVP before a judge when those deficiencies are already so clearly known to state agency staff. Do not burden Virginia taxpayers with the expense of attempts to defend the indefensible in court.

So, the key question remains: will you treat Virginians fairly and put our interests on the same plain with those of the people of New York, North Carolina, and West Virginia?

DPMC wrote Governor McAuliffe on July 25 raising concerns about the review process being followed by the Virginia Department of Environmental Quality in assessing the water quality impacts of the ACP and MVP, but to date, no direct response has been received.

FERC Decisions on ACP and MVP Could Occur Anytime

The Federal Energy Regulatory Commission (FERC) met on September 20 for the first time since January with the necessary quorum to act (3 members). A decision on the Mountain Valley Pipeline had been scheduled to occur by that meeting, but as of this week no permitting decision on the MVP has been announced by the agency. The Atlantic Coast Pipeline (ACP) schedule calls for a permitting decision by FERC to be made by October 19, the date of the next meeting of the Commissioners.

It is possible that a permitting decision on either pipeline could be announced at a time other than in conjunction with a scheduled meeting. And, if a decision to permit one or both pipelines is made, it is customary for it to be issued with conditions, such as subject to the issuing of necessary water quality permits by state government with that responsibility. In the case of the MVP, a required water quality certification under Section 401 of the Clean Water Act

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has not been issued by Virginia and an earlier issued certification issued in West Virginia has been revoked by the state's Department of Environmental Protection for further analysis. With the ACP, no certificate has been issued by Virginia or West Virginia, and North Carolina recently indicated it would delay a 401 decision on the ACP because of the absence of sufficient information from the applicant.

In the meantime, new issues continue to be raised. Last week, West Pocahontas Properties (WPP), a coal mining holding company, [filed with FERC a letter](#) pointing out that the Final Environmental Impact Statement (FEIS) for the ACP incorrectly stated that the pipeline would not have an impact on its coal operations in Randolph County WV. Dominion Transmission Company [responded September 21](#) with a counter version of the "facts," claiming there would not be an impact on the company's operations. If WPP is correct in its assertion, it certainly raises a new set of issues that will at the very least require further re-routing of the ACP in the affected area.

Regulators Accused of Being "Asleep at the Wheel" in New Report

[Art of the Self-Deal](#), a new report issued this week by Oil Change International, charges "that regulators are asleep at the wheel when it comes to assessing whether new gas pipelines are in consumers' best interest." Issued in collaboration with Public Citizen and the Sierra Club, the report addresses the question of whether new natural gas pipeline can be justified, particularly when "ratepayers could end up shouldering long-term costs for pipeline capacity they don't need, while losing out on opportunities to take advantage of increasingly cheaper, cleaner choices." Among other points made by the report are:

- Corporate self-dealing is increasing the likelihood that ratepayers, not shareholders, bear the financial risks of investing in unneeded infrastructure
- High rates of return may be incentivizing unnecessary pipelines
- In today's dynamic energy landscape, the demand for gas over the next 20 years and beyond is highly uncertain.

New "Path of the Pipeline" Website Highlights Stories of ACP's Impact

The Southern Environmental Law Center (SELC) has added a new section to its website that features numerous individual stories depicting the adverse impacts of the Atlantic Coast Pipeline (ACP). "Path of the Pipeline" features short video presentations about people affected by the ACP, focusing on the issues of need, safety, environmental justice, water quality threats and harm to businesses. Several of these video clips have been previously posted on ABRA's Facebook page.

All persons concerned about the ACP are strongly urged to publicize these important video stories through social media. The website is available [here](#).

In the News:

Local/Atlantic Coast Pipeline

Virginia's environmental agency to press ahead on pipeline permits as other states hit the brakes

- Richmond Times-Dispatch – 9/18/17
http://www.richmond.com/news/virginia-s-environmental-agency-to-press-ahead-on-pipeline-permits/article_851f71ec-96e5-5186-aa92-9b876a5d29d0.html

Virginia's Department of Environmental Quality, which has been heavily criticized for its handling of the water-quality risks posed by the two pending natural gas pipelines, says it has no plans to slow down the process for either project.

North Carolina delays decision on Atlantic Coast Pipeline

- Southeast Energy News – 9/15/17
<http://southeastenergynews.com/2017/09/15/north-carolina-delays-decision-on-atlantic-coast-pipeline/>
- Related:
- http://www.roanoke.com/news/virginia/north-carolina-environmental-agency-delays-decision-on-water-quality-permit/article_b3acc74b-2b20-5bcc-b89f-3233fe07d7d5.html

Study slams FERC scrutiny of 'self-dealing,' demand for gas pipelines

- Platts – 9/19/17
<https://www.platts.com/latest-news/natural-gas/washington/study-slams-ferc-scrutiny-of-self-dealing-demand-21999365>
- Related:
- <http://priceofoil.org/2017/09/19/how-gas-pipelines-fleece-ratepayers/>

GHGs Must Be Part Of Pipeline Reviews, Enviros Tell FERC

- Law360 – 9/18/17
<https://www.law360.com/articles/964882/ghgs-must-be-part-of-pipeline-reviews-enviros-tell-ferc>
- Environmental groups led by the Sierra Club told FERC in a pair of letters that the environmental reviews for the pipelines are no longer sufficient thanks to the D.C. Circuit's Aug. 22 invalidation of FERC's approval of the \$3.5 billion Southeast Market project.

Regional/Mountain Valley Pipeline, other

West Virginia Revokes Approval Of Mountain Valley Pipeline As Legal Terrain Shifts

- Huffington Post – 9/14/17
http://www.huffingtonpost.com/entry/pipelines-bombshell-west-virginia-revokes-approval_us_59bb2c3ae4b06b71800c380c
- If Virginia Governor Terry McAuliffe's Department of Environmental Quality continues its present course, it may suffer the same embarrassment.
- Related:
- <http://wvmetronews.com/2017/09/18/significant-delays-projected-as-dep-takes-steps-toward-additional-review-of-pipeline-project/>

Fayette commission postpones pipeline rezoning

- The Register-Herald – 9/18/17
http://www.register-herald.com/news/fayette-commission-postpones-pipeline-rezoning/article_890ede2a-0e71-57aa-96c4-fea6f9c8a163.html
- Fayette Commission President Matt Wender said the rezoning vote will not be taken until MVP has correct certification from WVDEP and FERC approval.

Franklin County landowners allow court-ordered pipeline surveyors

- WSL10 News – 9/20/17
<https://www.wsls.com/only-on-wsls-10/franklin-county-landowners-allow-court-ordered-pipeline-surveyors>

Pipeline Opposition Groups Making Every Effort to Stop Proposed Projects

- RadioIQ WVTF – 9/20/17
<http://wvtf.org/post/pipeline-opposition-groups-making-every-effort-stop-proposed-projects>

Pipeline Impacts on Appalachian Trail Detailed

- Public News Service – 9/20/17
<http://www.publicnewsservice.org/2017-09-20/public-lands-wilderness/pipeline-impacts-on-appalachian-trail-detailed/a59484-1>
A new report details the impacts a huge natural gas pipeline would have on the Appalachian Trail, and some of America's most cherished forest lands.

Big Picture:

Baseload compensation a high priority for FERC, Chatterjee tells Congress

- Utility Dive – 9/15/17
<http://www.utilitydive.com/news/baseload-compensation-a-high-priority-for-ferc-chatterjee-tells-congress/505031/>
Threats to reliability could cause federal regulators to change plant compensation, the FERC chair told House lawmakers in a hearing that also touched on climate change and renewables integration.

The Energy 202: FERC is up and running again. That means Trump gets more of the pipelines he wants

- The Washington Post – 9/19/17
https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/09/19/the-energy-202-ferc-is-up-and-running-again-that-means-trump-gets-more-of-the-pipelines-he-wants/59c02f7930fb045176650d33/?utm_term=.1b22529af829

Notes from Underground: Fracking: The Source of the Problem

- Government Accountability Project – 9/21/17
<https://www.whistleblower.org/blog/021921-notes-underground-fracking-source-problem>
Providing the public with information about the destructive chain of fracking, pipelines, and undeserved profits is the best way to forestall the wasteful cycle before it becomes an intractable death spiral of outdated, unsustainable energy.

FERC overrules New York regulators to allow construction of natural gas pipeline

- Washington Examiner – 9/15/17
<http://www.washingtonexaminer.com/ferc-overrules-new-york-regulators-to-allow-construction-of-natural-gas-pipeline/article/2634610>

San Francisco sues Big Oil for billions over climate change claiming they knew the dangers for decades

- Independent – 9/21/17
<http://www.independent.co.uk/environment/san-francisco-big-oil-lawsuit-climate-changes-fossil-fuels-knew-decades-tobacco-california-city-a7958871.html>

Trump pulled out of climate agreement, but NC's Cooper says 'We remain committed'

- The News & Observer – 9/20/17
<http://www.newsobserver.com/news/politics-government/state-politics/article174372096.html>
Gov. Roy Cooper says North Carolina is joining 14 other states in the U.S. Climate Alliance.