



## *ABRA Update #158 – November 30, 2017*

### **VA State Water Board Meetings – What to Know, What to Say**

The Virginia State Water Control Board meetings scheduled over the next two weeks provide a critical opportunity for citizens to voice their opinions on why water quality certifications should not be approved for the Mountain Valley Pipeline (MVP) and the Atlantic Coast Pipeline (ACP). As previously reported in *ABRA Update*, the Board is scheduled to meet on December 6 and 7 to consider the Mountain Valley Pipeline application, and on December 11 and 12 to consider the Atlantic Coast Pipeline. All meetings begin at 9:30 am at the Trinity Family Life Center, 3601 Dill Road, Richmond, VA.

The first-day [agendas for both pipeline meetings](#) call for a summary presentation by staff of comments made during the public comment period and hearings, followed by an opportunity for those who commented at the public hearings or filed comments during the public comment period to respond to the staff summary. Board consideration of the pending applications are slated to occur on the second day (December 7 for MVP; December 12 for ACP). Three-minute time limits will be imposed on those making comments.

The Department of Environmental Quality posted this week a [two-page guidance document](#) setting forth procedures for the meetings, including the following instructions for speakers:

- Only those persons who commented during the official public comment period (i.e., July 3, 2017 - August 22, 2017) may speak for up to 3 minutes to exercise their rights to respond to the summary of the prior proceedings including DEQ's summary of comments received during the public comment period.
- Speakers must register. Registration will begin at 8:30 a.m. A person can only register for him or herself.
- Persons may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes multiplied by the number of people pooling minutes, or 15 minutes, whichever is less.

[ABRA has prepared a two-page summary on major points that should be made to the State Water Control Board.](#) It is based on the October 25 letter sent to Board members by Appalachian Mountain Advocates, Southern Environmental Law Center and the Chesapeake Bay Foundation.

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## North Carolina to ACP: Another Whoa!

North Carolina's Department of Environmental Quality (NCDEQ) has asked the Atlantic Coast Pipeline (ACP) – for the fourth time – to provide additional information before the agency can continue its consideration of whether to issue a certification for the pipeline under the requirements of Section 401 of the Clean Water Act. The [NCDEQ's November 28 letter](#) says the ACP has failed to provide adequate analysis and explanation of the project's claim to stimulate economic development and the pipeline's potential effect to water quality. The letter also asked for more detail about the ACP's earlier statement to state authorities that "there is no commitment to potential customers or reasonably foreseeable plans to extend the ACP beyond the current terminus." This information request (perhaps stimulated by the recent public pronouncement by a Dominion Energy Executive that the ACP was prepared to extend into South Carolina) calls into question the ability of the NCDEQ to reach a decision on 401-certification before the end of the year.

## Water is Life Rally Is Saturday, December 2, 1-4:30 pm in Richmond

Water is Life Rally & Concert  
 Saturday, December 2, 2017  
 1-4:30 pm  
 Virginia Capitol Grounds & The National Theater  
 Richmond, Virginia

Water is life.

Protect it.

Lobo Marino, The Wild Common, No BS! Brass Band.  
 Water Spirit Puppet by All the Saints Theater Company.  
 First Nations Voice. and more...  
 details at [facebook.com/waterislifeprotectit](https://facebook.com/waterislifeprotectit)

## ABRA Creates Board of Directors, Adopts Bylaws

The Allegheny-Blue Ridge Alliance has formalized the organization by the adoption of bylaws and the creation of a Board of Directors. Earlier this year ABRA incorporated with the Commonwealth of Virginia, its stated mission being "to protect the heritage, resources and economy of the Allegheny-Blue Ridge region."

The initial Board of Directors and elected officers are:

- Allen Johnson** (Chair), Eight-Rivers Council, Dunmore, WV
- Kate Boyle** (Vice Chair), Appalachian Voices, Charlottesville, VA
- Larry Thomas** (Treasurer), West Virginia Highlands Conservancy, Circleville, WV
- Lewis Freeman** (Secretary), ABRA Executive Director, Monterey, VA
- Greg Buppert**, Southern Environmental Law Center, Charlottesville, VA
- Joe Lovett**, Appalachian Mountain Advocates, Lewisburg, WV
- Nancy Sorrells**, Augusta County Alliance, Stanton, VA
- Rick Webb**, Dominion Pipeline Monitoring Coalition, Monterey, VA
- Kate Wofford**, Shenandoah Valley Network, Sperryville, VA

## ***In the News:***

### **Local/Atlantic Coast Pipeline**

#### **Land values sag near pipeline route**

- The Recorder – 11/23/17

[https://www.abralliance.org/wp-content/uploads/2017/11/Land\\_values\\_sag\\_near\\_pipeline\\_route-Recorder\\_20171122.pdf](https://www.abralliance.org/wp-content/uploads/2017/11/Land_values_sag_near_pipeline_route-Recorder_20171122.pdf)

In its certificate licensing Dominion's proposed Atlantic Coast Pipeline, FERC maintained the project would not impact land values.

#### **Don't let all the spin make you dizzy**

- The recorder – 11/30/17

[https://www.abralliance.org/wp-content/uploads/2017/11/Dont\\_let\\_all\\_the\\_spin\\_make\\_you\\_dizzy-Recorder\\_20171130.pdf](https://www.abralliance.org/wp-content/uploads/2017/11/Dont_let_all_the_spin_make_you_dizzy-Recorder_20171130.pdf)

The proposed Atlantic Coast Pipeline, according to those who stand to reap millions in its wake, is necessary to the future of East Coast development. Study after study shows this isn't true.

#### **Suit challenges pipeline certificates' legality**

- The Wilson Times – 11/28/17

<http://www.wilsontimes.com/stories/suit-challenges-pipeline-certificates-legality.105482>

Suit alleges FERC's process and actions violate the Constitution and the Natural Gas Act.

#### **Sierra Club Takes State Corporation Commission to Court Over Failure to Review Atlantic Coast Pipeline Deal**

- Blue Virginia – 11/22/17

<http://bluevirginia.us/2017/11/sierra-club-takes-state-corporation-commission-to-court-over-failure-to-review-atlantic-coast-pipeline-deal>

Suit contends that State Corporation Commission must fully evaluate Dominion's self-dealing arrangement with affiliates on ACP.

#### **“Campaign to elect a pipeline:” Va.’s most powerful company ran multi-front fight**

- The Washington Post – 11/28/17

[https://www.washingtonpost.com/local/virginia-politics/campaign-to-elect-a-pipeline-vas-most-powerful-company-runs-multi-front-fight/2017/11/28/2d1209ce-cf03-11e7-9d3a-bcbe2af58c3a\\_story.html?utm\\_term=.8a66f5a769b0](https://www.washingtonpost.com/local/virginia-politics/campaign-to-elect-a-pipeline-vas-most-powerful-company-runs-multi-front-fight/2017/11/28/2d1209ce-cf03-11e7-9d3a-bcbe2af58c3a_story.html?utm_term=.8a66f5a769b0)

The state's most powerful corporation, along with partner companies and the American Gas Association, poured resources into online groups called EnergySure and Your Energy Virginia to whip up what it called a grassroots “campaign to elect a pipeline.”

#### **N.C. regulators want analysis of eco-devo impact before approving Atlantic Coast Pipeline**

- Triangle Business Journal – 11/30/17

<https://www.bizjournals.com/triangle/news/2017/11/30/n-c-regulators-want-analysis-of-eco-devo-impact.html>

Water Resources' letter claims an ACP screening “lacked an analysis of the project's potential to stimulate economic development and its potential impact on water quality.”

#### **Augusta seeks protection from pipeline**

- The Recorder – 11/30/17

[https://www.abralliance.org/wp-content/uploads/2017/11/Augusta\\_seeks\\_protection\\_from\\_pipeline-Recorder\\_20171130.pdf](https://www.abralliance.org/wp-content/uploads/2017/11/Augusta_seeks_protection_from_pipeline-Recorder_20171130.pdf)

Augusta County asked federal regulators last week for special status to help protect historic resources from potential damage pipeline construction and operation might inflict.

## **Dominion's Atlantic Coast Pipeline, Environmental Racism, and the Appalling Silence of the Good People**

- Blue Virginia – 11/27/17

<https://bluevirginia.us/2017/11/dominions-fracked-gas-pipelines-environmental-racism-and-the-appalling-silence-of-the-good-people>

## **Businessman says pipeline will boost economy**

- The Recorder – 11/23/17

[https://www.abralliance.org/wp-content/uploads/2017/11/Businessman\\_says\\_pipeline\\_will\\_boost\\_economy-Recorder\\_20171122.pdf](https://www.abralliance.org/wp-content/uploads/2017/11/Businessman_says_pipeline_will_boost_economy-Recorder_20171122.pdf)

## **Water quality permit for Atlantic Coast Pipeline still in limbo; DEQ makes fourth request for info**

- The Progressive Pulse – 11/28/17

<http://pulse.ncpolicywatch.org/2017/11/29/water-quality-permit-atlantic-coast-pipeline-still-limbo-deq-makes-fourth-request-info/#sthash.nSBrfveH.dpbs>

The water quality permit application filed by Atlantic Coast Pipeline, LLC, still lacks key information, including an analysis of certain claims regarding economic development and the purported demand for more natural gas.

## **Regional/Mountain Valley Pipeline, other**

### **Mountain Valley Pipeline asks federal judge to override permit denial**

- The Exponent Telegram – 11/27/17

[https://www.theet.com/news/mountain-valley-pipeline-asks-federal-judge-to-override-permit-denial/article\\_ea848966-089f-5d7a-a6cf-f7d3fc6ofdeb.html](https://www.theet.com/news/mountain-valley-pipeline-asks-federal-judge-to-override-permit-denial/article_ea848966-089f-5d7a-a6cf-f7d3fc6ofdeb.html)

Mountain Valley Pipeline is asking a federal judge to override the Fayette County commission's Nov. 17 refusal to rezone a parcel it needs for a compressor station.

Related:

[http://www.register-herald.com/news/mountain-valley-pipeline-suing-fayette-county-commissioners/article\\_2cbd307e-cfae-11e7-9969-fb5a2864cf31.html](http://www.register-herald.com/news/mountain-valley-pipeline-suing-fayette-county-commissioners/article_2cbd307e-cfae-11e7-9969-fb5a2864cf31.html)

### **Gazette editorial: WV abdicates responsibility in pipeline question**

- Charleston Gazette-Mail – 11/21/17

[https://www.wvgazette.com/opinion/gazette\\_opinion/editorial/gazette-editorial-wv-abdicates-responsibility-in-pipeline-question/article\\_bofbaee0-3359-5e13-8312-6f75cfff1c870.html](https://www.wvgazette.com/opinion/gazette_opinion/editorial/gazette-editorial-wv-abdicates-responsibility-in-pipeline-question/article_bofbaee0-3359-5e13-8312-6f75cfff1c870.html)

West Virginia's Department of Environmental Protection has essentially admitted the proposed Mountain Valley Pipeline could not be legally permitted under environmental protection laws.

### **Pipeline developers say delays in courtroom could result in big delay for construction**

- WV Metro news – 11/27/17

<http://wvmetronews.com/2017/11/27/pipeline-developers-say-delays-in-courtroom-could-result-in-big-delay-for-construction/>

### **Virginia's move to join regional carbon market faces several challenges**

- Southeast Energy News – 11/27/17

<http://southeastenergynews.com/2017/11/28/virginias-move-to-join-rggi-regional-carbon-trading-market-faces-several-challenges/>

Despite a unanimous vote by a citizen's air pollution board earlier this month, Virginia faces several hurdles, including possible court and legislative challenges.

## Big Picture:

### Climate activists delay U.S. gas pipeline approvals: regulator

- Reuters – 11/30/17

<https://www.reuters.com/article/us-usa-pipeline-natgas/climate-activists-delay-u-s-gas-pipeline-approvals-regulator-idUSKBN1DU35J>

FERC's staff members are "forced to devote significant resources to responding to arguments and ensuring a robust record that can withstand subsequent court challenges," Chatterjee said.

### Barry Myers, Trump's pick to run NOAA, declares humans are main cause of climate change

- The Washington Post – 11/29/17

[https://www.washingtonpost.com/news/capital-weather-gang/wp/2017/11/29/barry-myers-trumps-pick-to-run-noaa-declares-humans-are-main-cause-of-climate-change/?utm\\_term=.f65233d7b4f5](https://www.washingtonpost.com/news/capital-weather-gang/wp/2017/11/29/barry-myers-trumps-pick-to-run-noaa-declares-humans-are-main-cause-of-climate-change/?utm_term=.f65233d7b4f5)

Myers's unambiguous acceptance of the human role in climate change marks a clean break from other members of the Trump administration..

### Gas rush: FERC's pipeline approvals underline persisting controversy over permitting

- Utility Dive – 11/28/17

<https://www.utilitydive.com/news/gas-rush-fercs-pipeline-approvals-underline-persisting-controversy-over-p/511746/>

The federal agency has approved 8 Bcf/d of pipeline capacity in recent months, resisting calls to expand its evaluation procedures.

### The Energy 202: Why the wind and solar lobby is terrified of the Senate tax plan

- The Washington Post – 11/30/17

[https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/11/30/the-energy-202-why-the-wind-and-solar-lobby-is-terrified-of-the-senate-tax-plan/5a1f40b430fbo469e883f925/?utm\\_term=.23773df345ac](https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/11/30/the-energy-202-why-the-wind-and-solar-lobby-is-terrified-of-the-senate-tax-plan/5a1f40b430fbo469e883f925/?utm_term=.23773df345ac)

A tax-avoidance measure in the GOP tax plan could negate any tax benefits for potential financiers of renewable energy projects. That matters...because those tax benefits are a main reason such institutions decide to fund renewable energy projects.

Related:

<https://www.greentechmedia.com/articles/read/the-poison-pill-senate-tax-provision-threatening-renewables#gs.DTHdVQA>

### The East Coast's pipeline wars: A cheat sheet

- E&E News – 11/27/17

<https://www.eenews.net/stories/1060067235>

The expansion of natural gas infrastructure along the East Coast has created a seemingly endless queue of new pipeline battles involving landowners, environmentalists, states and the federal government.

### Class action lawsuit accuses utilities Eversource, Avangrid of bilking customers out of \$3.6 billion

- The Berkshire Edge – 11/24/17

<http://theberkshireedge.com/class-action-lawsuit-accuses-utilities-eversource-avangrid-of-bilking-customers-out-of-3-6-billion/>

The complaint stems from a study released in October finding that the two energy conglomerates artificially constrained natural gas pipeline capacity routinely over a several-year period, which caused a spike in spot market gas prices and led to overall higher electricity costs