



ABRA Update #93 – August 18, 2016

Dominion Hopes to Speed Up ACP Construction

Responding to the schedule announced last week by the Federal Energy Regulatory Commission (FERC) for its consideration of the Atlantic Coast Pipeline's (ACP) application for a permit to construct the proposed pipeline, Dominion has indicated its intention to speed up construction if it receives FERC's approval. [The Recorder newspaper's August 18 issue reports](#) on an interview with a Dominion spokesman:

Dominion spokesman Aaron Ruby told The Recorder Monday that on-time completion may require a faster construction schedule than anticipated. "Based on FERC's schedule announced on Friday, we are working closely with our construction contractors to evaluate the feasibility of accelerating our construction plans in order to reach the planned in-service date," Ruby said. "We'll finalize our estimates in the next few weeks."

[FERC's announced schedule](#) projects the issuance of a Draft Environmental Impact Statement (EIS) this coming December, with a final EIS out in June 2017 (following a public comment period) and a decision on the permit application by or before September 2017. Dominion had originally projected receiving a permit toward the end of 2016.

The delay will put pressure on Dominion to consider shortcuts in its construction, which surely will enhance the possibility of construction mistakes and raise the likelihood of safety concerns. We have already seen the evidence of how such haste can lead to improper decisions, when Dominion tried to game the system in improperly surveying the earlier-planned route through the Monongahela National Forest last Fall.

The announced acceleration plans of the ACP further call into question the care and prudence that would be taken with the project relative to erosion and sediment control. We already know that Dominion seeks to get a waiver from regulatory authorities in opening up trenches on steep mountain slopes as long as 2,000 feet or more in the interest of construction efficiency. This presents grave concerns about safety and environmental standards being met and enforced.

Permit for Dominion's Greenville Plant Challenged

A federal law suit challenging the issuance of a "prevention of significant deterioration" permit for Dominion Energy's proposed gas power plant in Greenville, VA was filed August 16 by Appalachian Mountain Advocates and the Sierra Club; both are ABRA members.

The suit was filed on the grounds that the permit unlawfully fails to require the "best available emissions control technology" for the power plant and fails to control against the massive quantities of methane that would leak from the Atlantic Coast Pipeline, proposed to connect directly to the power plant.

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In the News – *Dan Shaffer*, dshaffer@abralliance.org

Dominion Virginia Power began construction of the proposed 1,558 megawatt gas-fired power plant this past June, which would be the largest gas-powered operation in the Commonwealth. Dominion has proposed that the Greenville Plant operate at all hours, regardless of the actual demand or the availability of power from other sources such as clean, renewable energy. The suit argues that the Greenville plant would burn fracked gas supplied directly by another Dominion project — the Atlantic Coast Pipeline — a nearly 600-mile long pipeline that would take private property and destroy forests and streams in Virginia, West Virginia, and North Carolina.

ABRA Steering Members Tour ACP Route in Bath County

Members of ABRA’s Steering Committee got a first-hand look at the environmental and scenic devastation that would occur should the Atlantic Coast Pipeline be built through the Bolar/Little Valley region of Bath and Highland Counties. The tour was conducted by Ryan Hodges, Co-Chair of Voices From Bath and impacted landowner Ron McLean (2nd and 3rd from the right, below). Steering members who participated were, from left, Angie Rosser (West Virginia Rivers Coalition), Kate Boyle (Appalachian Voices), Kate Wofford (Shenandoah Valley Partnership), Greg Buppert (Southern Environmental Law Center), Lew Freeman (Highlanders for Responsible Development), Nancy Sorrells (Augusta County Alliance) and Rick Webb (Dominion Pipeline Monitoring Coalition), who was the photographer. The pipeline would dissect Jack Mountain (in the immediate background) on the left-hand side of the picture.



Eminent Domain Use for Pipelines: A Growing Issue

Of the many issues that have surrounded the proposed construction of the Atlantic Coast and Mountain Valley Pipelines and raised the ire of affected citizens, none has been of more concern and raised more fundamental questions than the right of pipeline companies to condemn private land through the right of eminent domain. The question is repeatedly asked: “why should a private company have the right to take my land for what is essentially private gain?”

FERC's right to grant eminent domain to a natural gas company is under provisions of The Natural Gas Act:

When any holder of a certificate of public convenience and necessity cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas, and the necessary land or other property, in addition to right-of-way, for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipe line or pipe lines, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. [15 U.S. Code Sec. 717f(h)]

In its [guide to natural gas pipelines on private land](#), the Federal Energy Regulatory Commission addresses the issue only in passing:

Q: How do natural gas companies obtain a right-of-way? A: The company negotiates a right-of-way easement and compensation for the easement with each landowner. Landowners may be paid for loss of certain uses of the land during and after construction, loss of any other resources, and any damage to property. If the Commission approves the project and no agreement with the landowner is reached, the company may acquire the easement under eminent domain (a right given to the company by statute to take private land for Commission-authorized use) with a court determining compensation.

Neither the FERC guide nor other agency pronouncements explain the rationale and justification for granting a pipeline company the right to condemn private land. Presumably it is on the theory that the pipeline is being built for the greater public good. But, that justification is beginning to be questioned. And challenged.

A conference in June, attended by representatives of both ABRA and the POWHR coalition, brought together representatives from throughout the country to discuss the issue of "Pipelines and Eminent Domain" and what can be done to address it (see [June 16 issue of Update, bottom page 2](#)). This week, a further discussion of the issue has been posted on the website of CFACT (Committee For A Constructive Tomorrow). The article, "[Eminent Domain revolt scuttles pipeline – Virginia next?](#)", is co-authored by Nelson County resident Richard Averitt. It is worthwhile reading! More on this critical topic will appear in future issues of Update.

Video of March on the Mansion Available

A video of highlights from last month's March on the Mansion has been produced by the Virginia Student Environmental Coalition. It vividly captures the enthusiasm and energy of the more than 600 demonstrators that gathered in Richmond on July 23. The video is available on the [Facebook site](#) of the Chesapeake Climate Action Network.

In the News:

Local/Atlantic Coast Pipeline

Dominion seeks to address delays on ACP gas pipeline

- The Recorder – 8/18/16

http://www.abralliance.org/wp-content/uploads/2016/08/Dominion_seeks_to_address_delays_on_ACP-Recorder_8-18-16.pdf

Dominion aims to maintain its schedule for operation...which would require construction at break-neck speed through the winter...but it still has many, many questions to answer, according to FERC

Related:

- http://www.dailyprogress.com/newsvirginian/early-likely-next-public-comment-on-pipeline/article_c6ac68c2-6334-11e6-a4db-e3a97a354609.html

Pipeline opponents take 'action'

- The News Virginian – 8/15/16

http://www.dailyprogress.com/newsvirginian/pipeline-opponents-take-action/article_18b22c06-6335-11e6-a975-f301e0c39d08.html

Eminent Domain revolt scuttles pipeline – Virginia next?

- CFact – 8/16/16

<http://www.cfact.org/2016/08/16/eminent-domain-revolt-scuttles-pipeline-virginia-next/>

Virginia landowners in dire need of protection against the abuse of well-intentioned eminent domain laws and gross federal overreach that contradicts the Virginia constitution

Regional/Mountain Valley Pipeline, other

Shingles: McAuliffe shills for Dominion Resources

- Roanoke Times – 8/17/16

http://www.roanoke.com/opinion/commentary/shingles-mcauliffe-shills-for-dominion-resources/article_df611b16-8911-5b24-9f9a-of6914f78c8b.html

Gov's words and overall record are out of sync

FERC Moving Pipeline Projects Forward Over Objections

- Public News Service – 8/15/16

<http://www.publicnewsservice.org/2016-08-15/climate-change-air-quality/ferc-moving-pipeline-projects-forward-over-objections/a53385-1>

FERC still refuses to listen to reason, analysis and its own staff...continuing to support pipeline over-build

Related:

- http://www.dailyprogress.com/newsvirginian/agency-pipeline-build-could-start-next-year/article_d2397f88-60ee-11e6-92f1-2fb3be528a92.html

Big Picture:

NASA: Natural gas industry the source of massive methane 'hot spot'

- KHOU News – 8/16/16

<http://www.khou.com/tech/nasa-natural-gas-industry-the-source-of-massive-methane-hot-spot/299638024>

Study shows aging gas infrastructure responsible for majority of methane plume

Related:

<http://abcnews.go.com/Technology/wireStory/study-sources-methane-hot-spot-gas-facilities-41401564>

Do Renewables Help Natural Gas Consumption?

- BTU Analytics – 8/18/16

<https://btuanalytics.com/renewables-natural-gas-consumption/>

The relationship between renewables and gas continues to be studied and debated

Related:

- <http://www.elp.com/articles/2016/08/study-renewable-energy-still-needs-natural-gas-back-up.html>

Here's who really won in the state's new energy bill

- Boston Globe – 8/14/16

<https://www.bostonglobe.com/business/2016/08/14/the-real-winners-state-new-energy-bill-utilities-eversource-and-national-grid/G07xbGaNO5tE05hSxZSCuK/story.html>

It WASN'T Massachusetts ratepayers...

Related:

<https://www.bostonglobe.com/business/2016/08/17/state-highest-court-rejects-baker-plan-impose-fee-for-gas-pipelines/eQ75Pnt3gnAqz9RiUQGhTP/story.html>

PV vs. T-Rex

- Business Facilities Magazine – 8/12/16

<http://businessfacilities.com/2016/08/renewable-energy-pv-vs-t-rex/>

Switch to 100% renewables will likely take longer, and have more growing pains than many would like

Emissions From Natural Gas Projected to Surpass Coal

- Bloomberg BNA – 8/17/16

<http://www.bna.com/emissions-natural-gas-n73014446523/>

San Bruno Verdict Extinguishes PG&E's Image as a Corporate Citizen

- Triple Pundit – 8/15/16

<http://www.triplepundit.com/2016/08/san-bruno-verdict-extinguishes-pges-image-corporate-citizen/>

PG&E guilty of safety violations, obstruction of justice and responsible for the deaths of 8 people...fined \$3 million

Beyond Coal: Imagining Appalachia's Future

- New York Times – 8/17/16

<http://www.nytimes.com/2016/08/18/us/beyond-coal-imagining-appalachias-future.html>

Region struggles to find a place for its coal workers and its identity