

Deferred Analysis of Critical Environmental Problems

- How the pipeline companies avoid objective review
- What can we do about it?

Dominion Pipeline Monitoring Coalition

Rick Webb, Program Coordinator

David Sligh, Regulatory System Investigator

Dan Shaffer, Geospatial Analyst

Allegheny-Blue Ridge Alliance

Pipeline Summit, 11/12/16







FERC



FERC dismisses environmental concerns and approves all pipeline proposals based on the expectation that:

- The applicant will comply with all applicable environmental laws and regulations
- The project will be constructed as described in the application and supplemental submittals
- The applicant will implement the mitigation measures in FERC's Plans and Procedures
- Any adverse impacts will be minor and temporary



Federal Energy
Regulatory
Commission

Office of
Energy Projects

May 2013

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN

Washington, DC 20426

MAY 2013 VERSION



Federal Energy
Regulatory
Commission

Office of
Energy Projects

May 2013

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

Washington, DC 20426

MAY 2013 VERSION



FERC



FERC Delays Analysis of Critical Water Resource Issues Until After NEPA Review

- Preventing meaningful public and agency involvement in evaluation of risks and proposed mitigations.
- FERC implementation of NEPA does not provide FERC, the Forest Service, the Army Corps of Engineers, or state environmental agencies with the basis for informed permitting decisions.
- The ACP developers cast further doubt on the review process by indicating an intention to expedite construction and to seek variances for key environmental requirements.



Dominion[®]

- Dominion proposes to address geohazards by convening experts after project approval.
- Site-specific plans for erosion and sediment control will not be available prior to project review.
- Dominion asserts the project will not alter runoff and therefore stormwater management plans are not required.
- Dominion seeks a variance from requirements that limit open-trench lengths during construction.
- Dominion will seek waivers for time-of-year restrictions on construction activities that will impact trout streams during sensitive life stages.
- Dominion has not conducted studies or provided reports on a range of significant environmental issues.



“... the most environmentally responsible pipeline ever built in the history of the United States.”

Virginia Governor Terry McAuliffe

“... every issue from water resources to impacts on wildlife will get careful consideration.”

Dominion CEO Thomas Farrell



Has effectively exempted pipeline projects from regulatory oversight:

- Failed to review annual Standards and Specifications submitted by pipeline construction companies
- Failed to request or review Erosion and Sediment Control Plans
- Failed to conduct inspections during pipeline construction
- Granted all requests for variances to the minimum standards govern excavation of pipeline trenches



2013 GENERAL EROSION & SEDIMENT CONTROL SPECIFICATIONS FOR VIRGINIA

**Submitted By:
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445 West Main Street
Clarksburg, West Virginia 26301**

NOVEMBER 2012



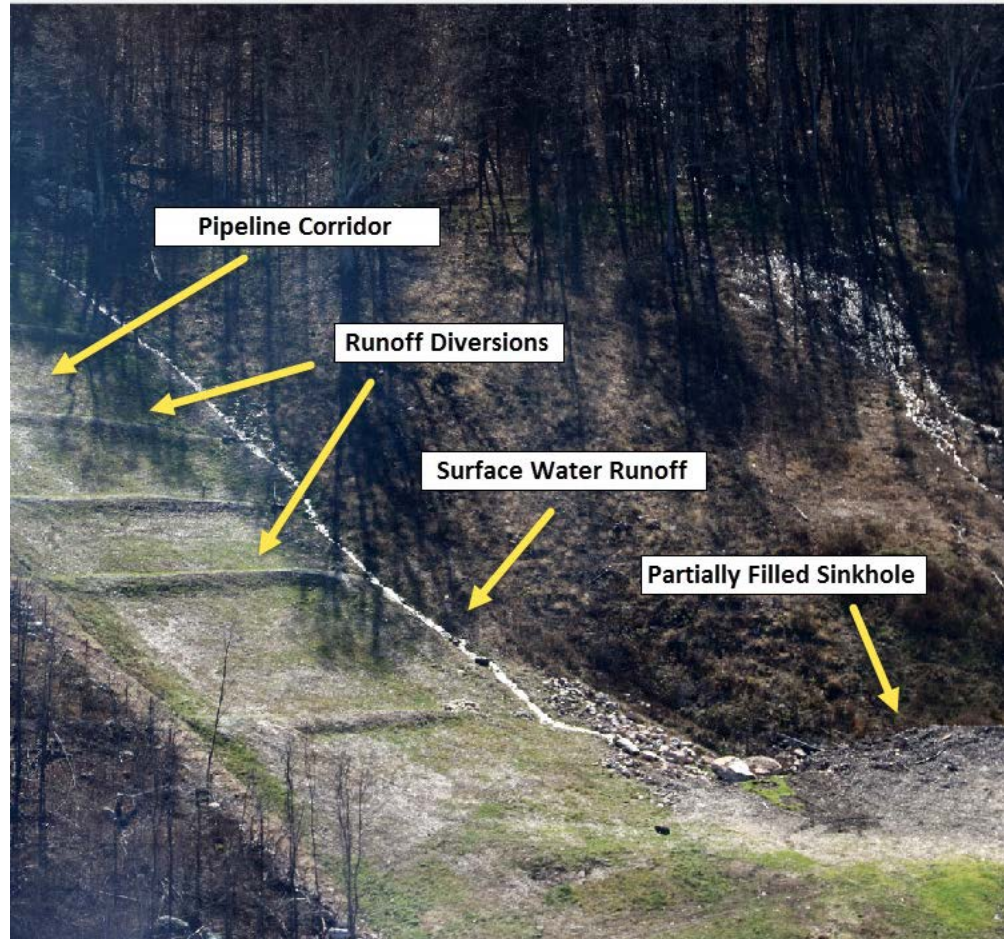
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Virginia's 401 Certification

Virginia must analyze these projects through individual Section 401 water quality certification reviews to meet the State's responsibilities under the Clean Water Act . . . The plain language of the Virginia Water Protection Permit (VWPP) regulation . . . precludes coverage under a general VWPP.

*DPMC to Virginia environmental officials,
04/14/16*

“Regarding your question on the Clean Water Act Section 401 review, DEQ is currently evaluating the scope of its authority under FERC requirements for this review. **DEQ is also awaiting more information from FERC and the developers, which will be provided through the National Environmental Policy Act** procedures and the Environmental Impact Statements that are developed in accordance with those procedures.”

*Molly Ward
Secretary of Natural Resources
8/23/16*



EPA Reviews of FERC EIS Documents

19 projects, all regions of U.S.

18 DEISs – “Environmental Concerns, Insufficient Information”

1 DEIS – “Environmental Objections, Insufficient Information”



EPA Reviews of FERC EIS Documents

Common Deficiencies in Analysis for:

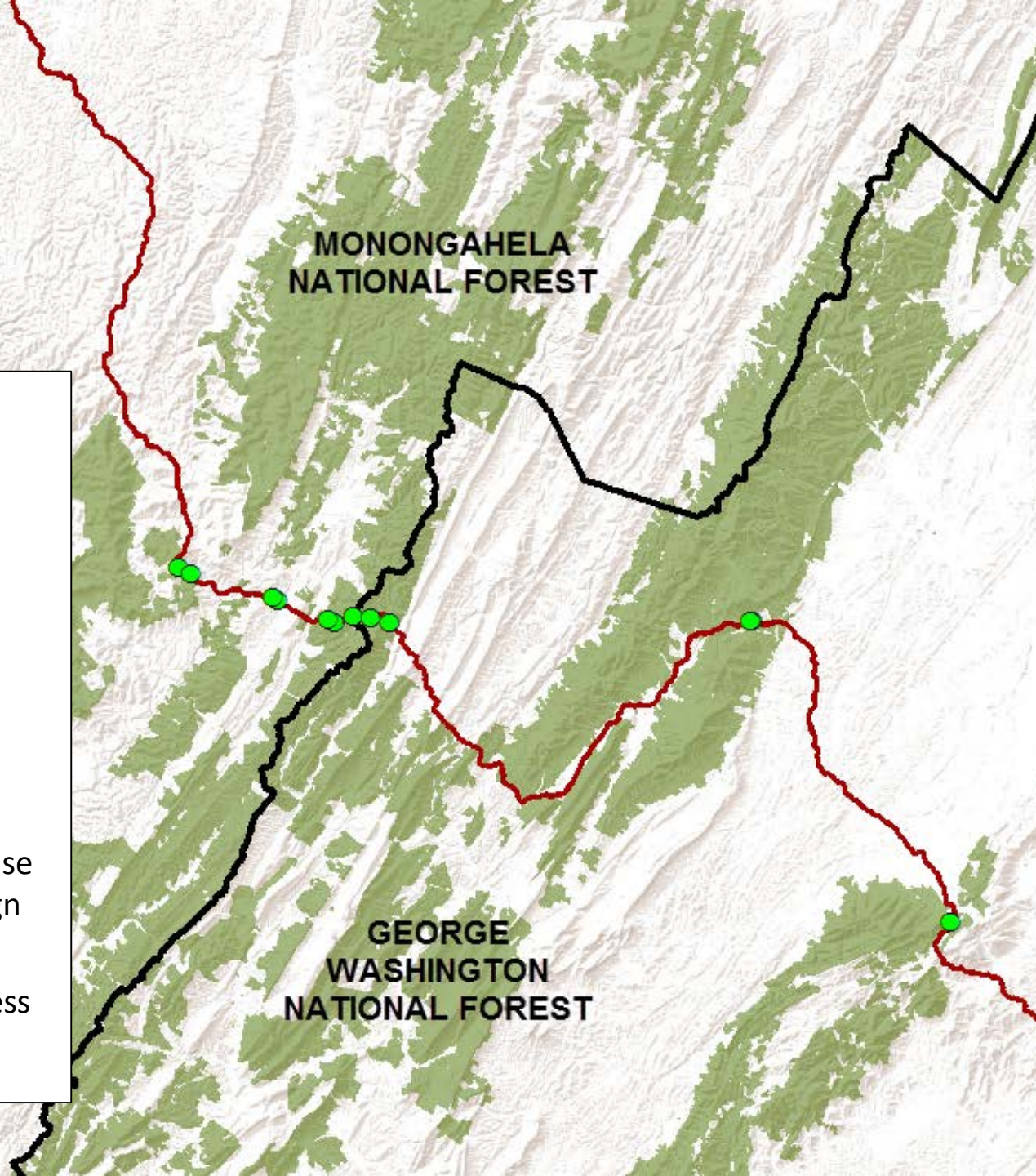
- * Route and System Alternatives/Need**
- * Cumulative Impacts**
- * Impacts to Surface and Groundwater**
- * “Core Forest” Impacts**
- * Environmental Justice Impacts**
- * Greenhouse Gas Contributions**



Information Request

October 24, 2016

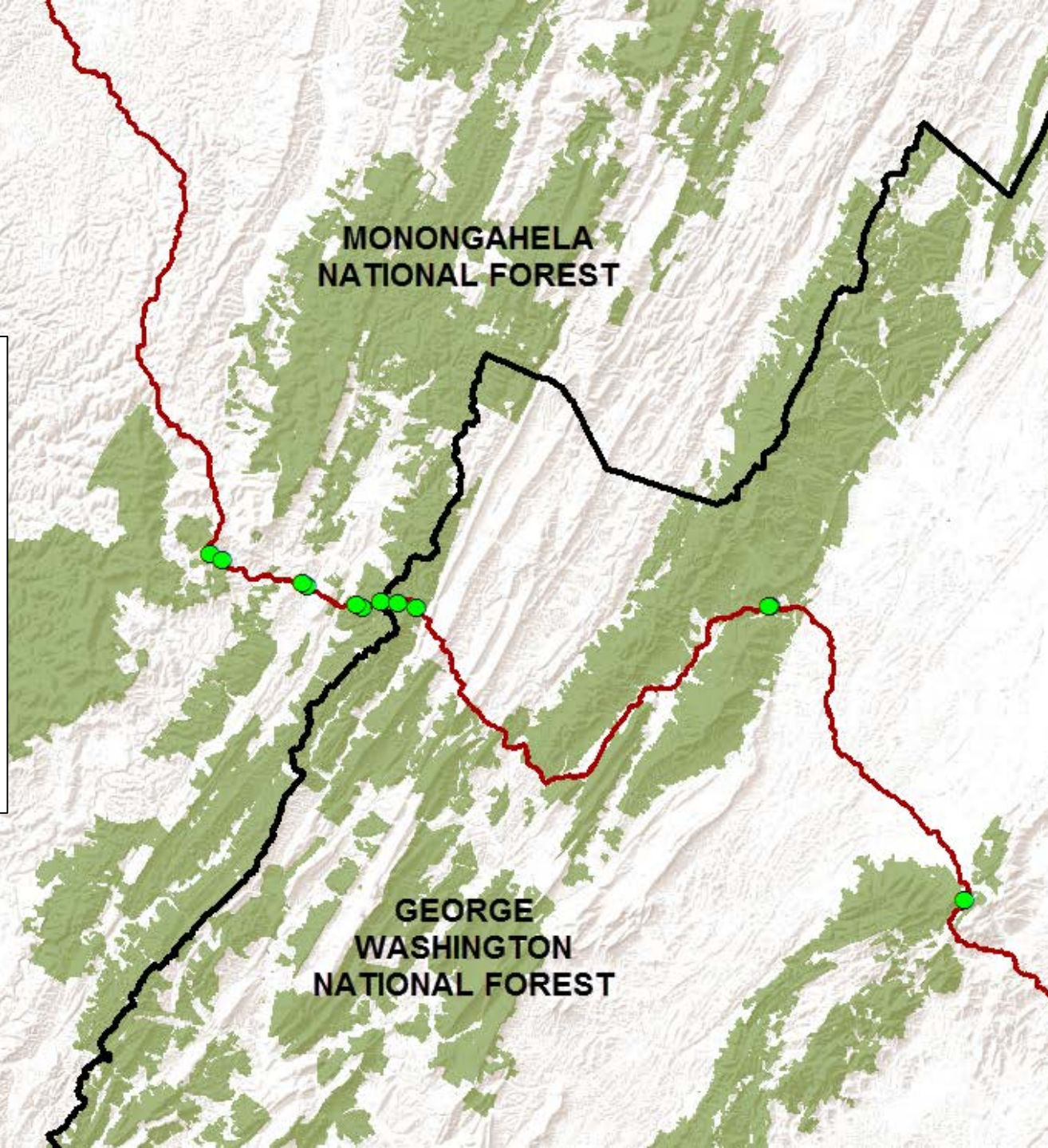
- Site-specific design of stabilization measures for selected high-hazard locations along proposed ACP route
- High-risk sites on or in close proximity to National Forest lands
- Selected to provide a worst-case scenario for analysis and design
- Rationale and supporting documentation for effectiveness of techniques and materials





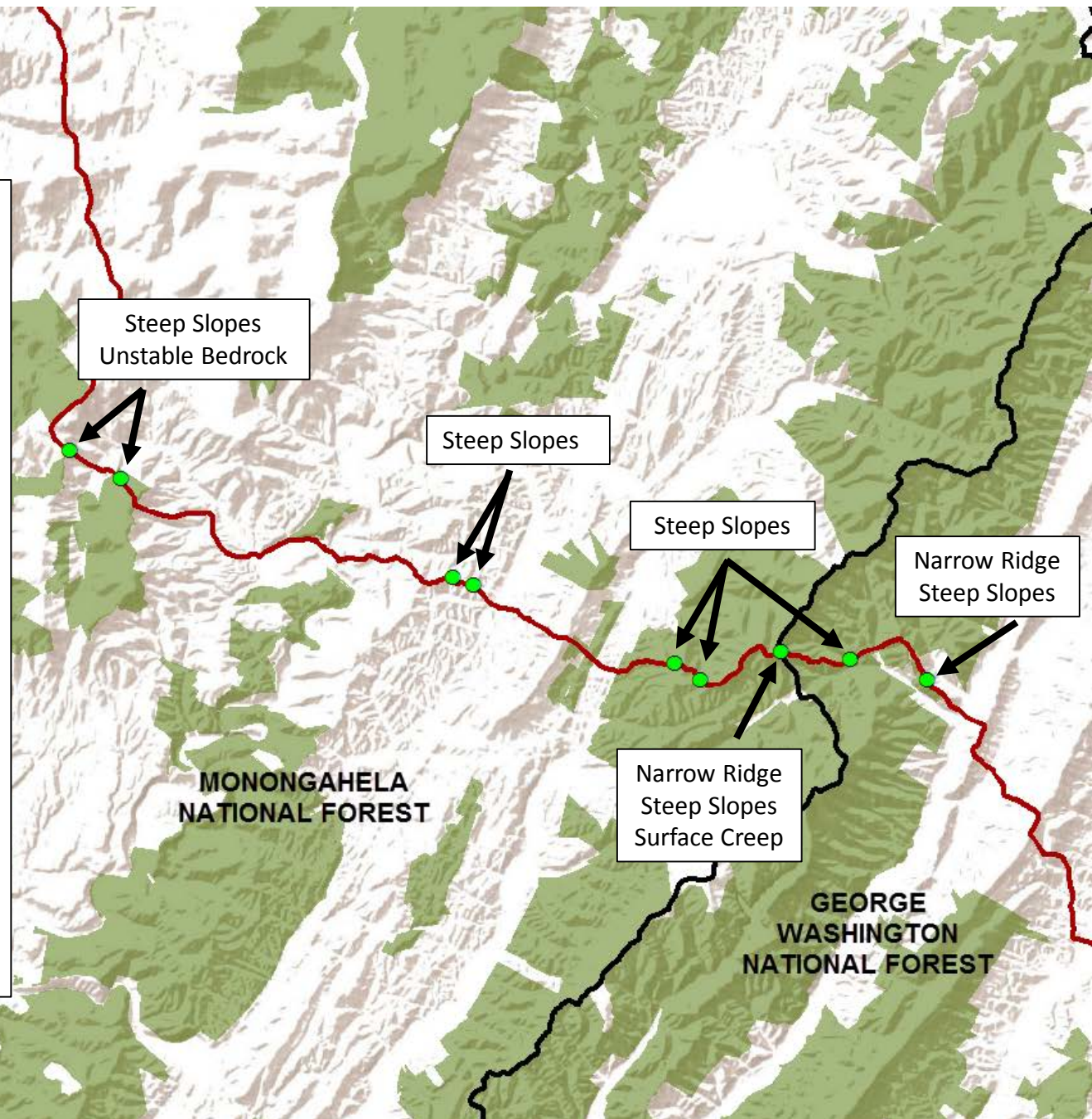
Concerns:

- Maintenance of slope stability
- Prevention of indirect adverse impacts to water quality, hydrology, and aquatic ecosystems
- Long-term maintenance and stability



Critical Issues:

- Bedrock composition and structure
- Precipitation amount
- Percent slope
- Side slopes
- Evidence of unstable surface material
- Narrow ridges
- Stream crossing
- Critical habitat
- Water supplies
- Karst recharge zones
- Conservation land

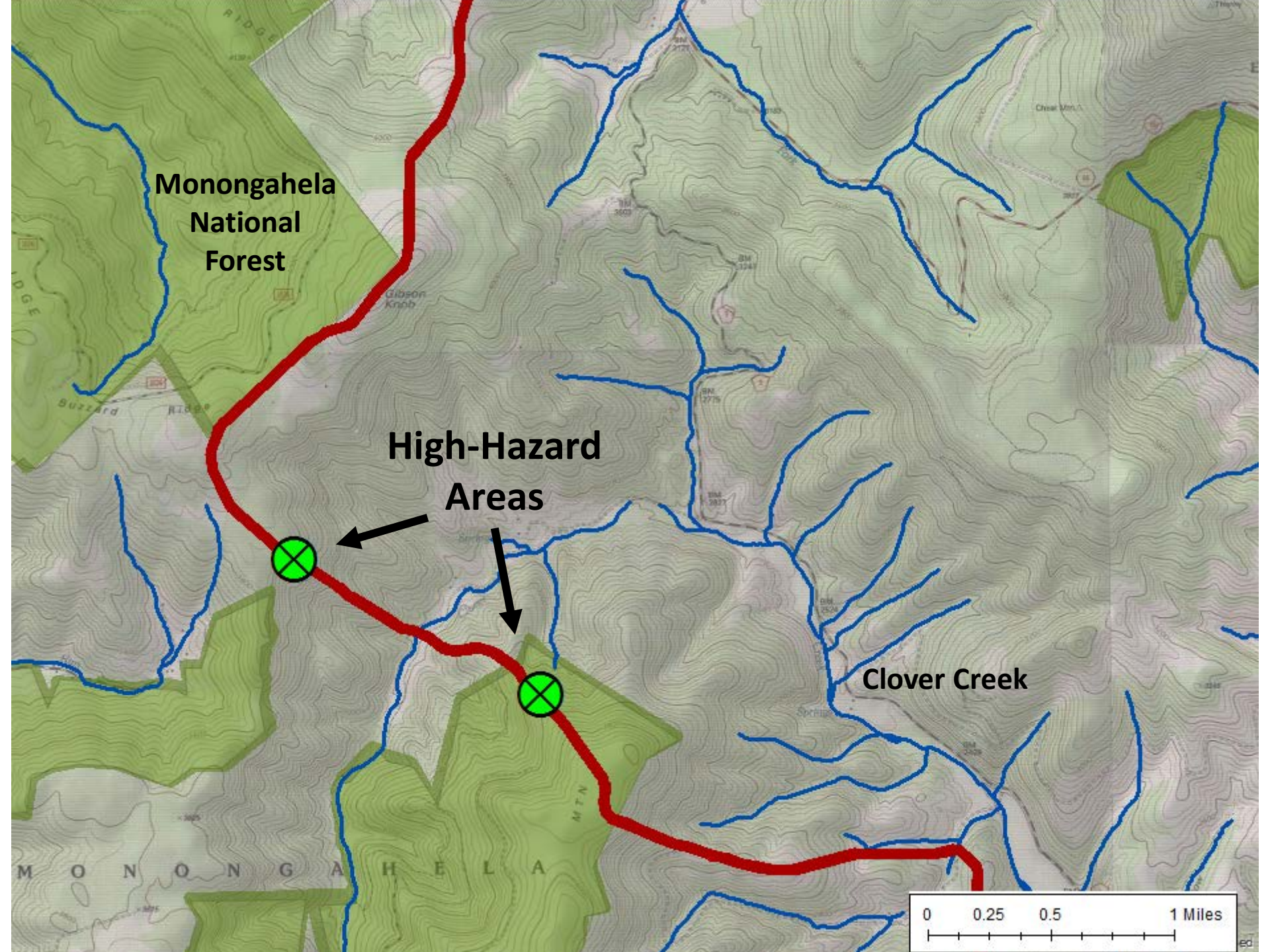


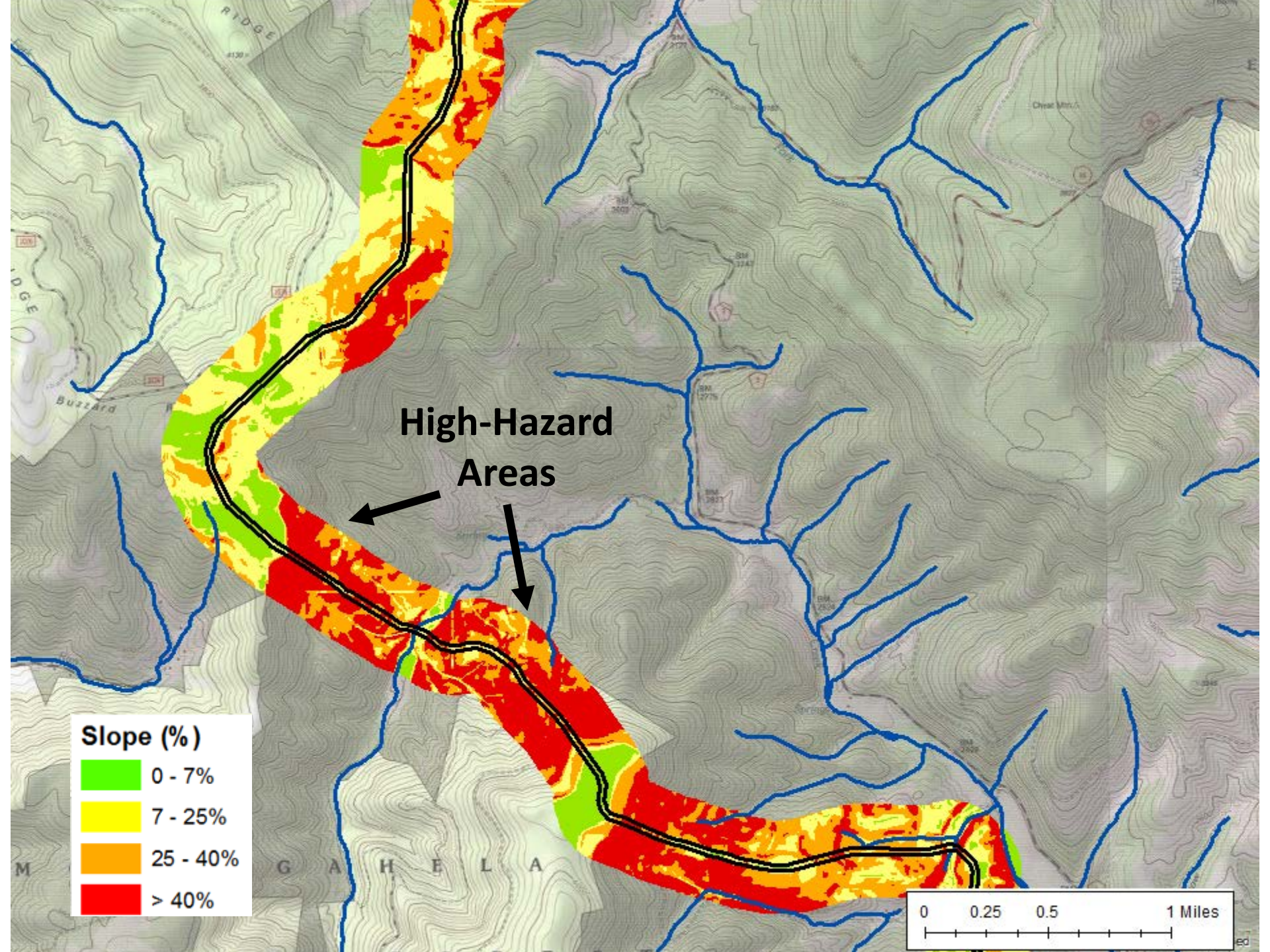
**Monongahela
National
Forest**

**High-Hazard
Areas**

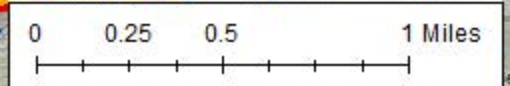
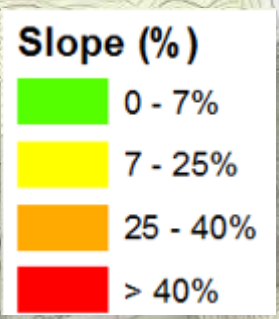
Clover Creek

0 0.25 0.5 1 Miles





**High-Hazard
Areas**

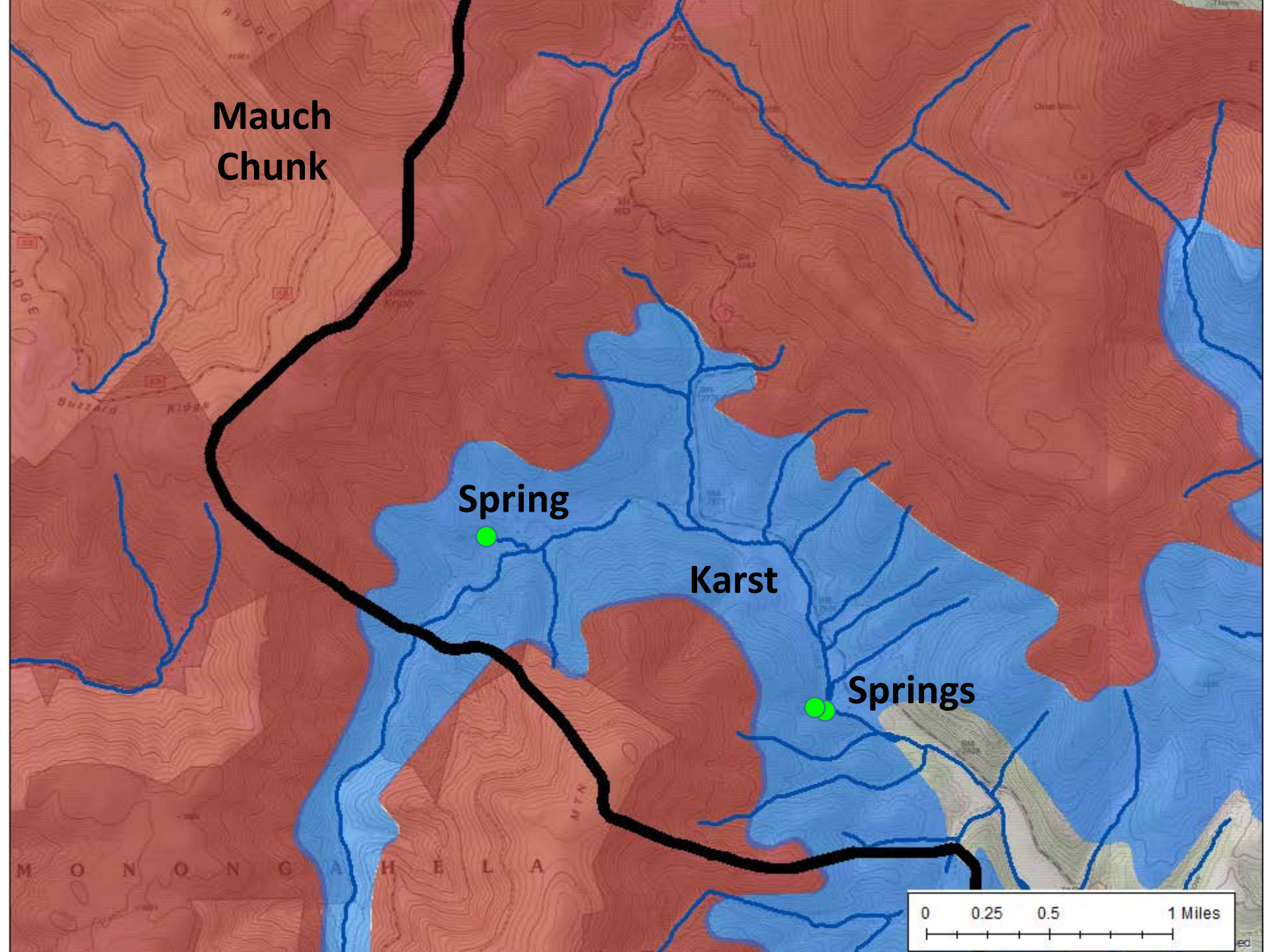
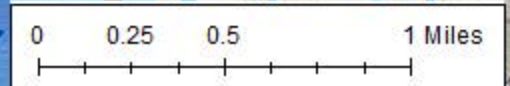


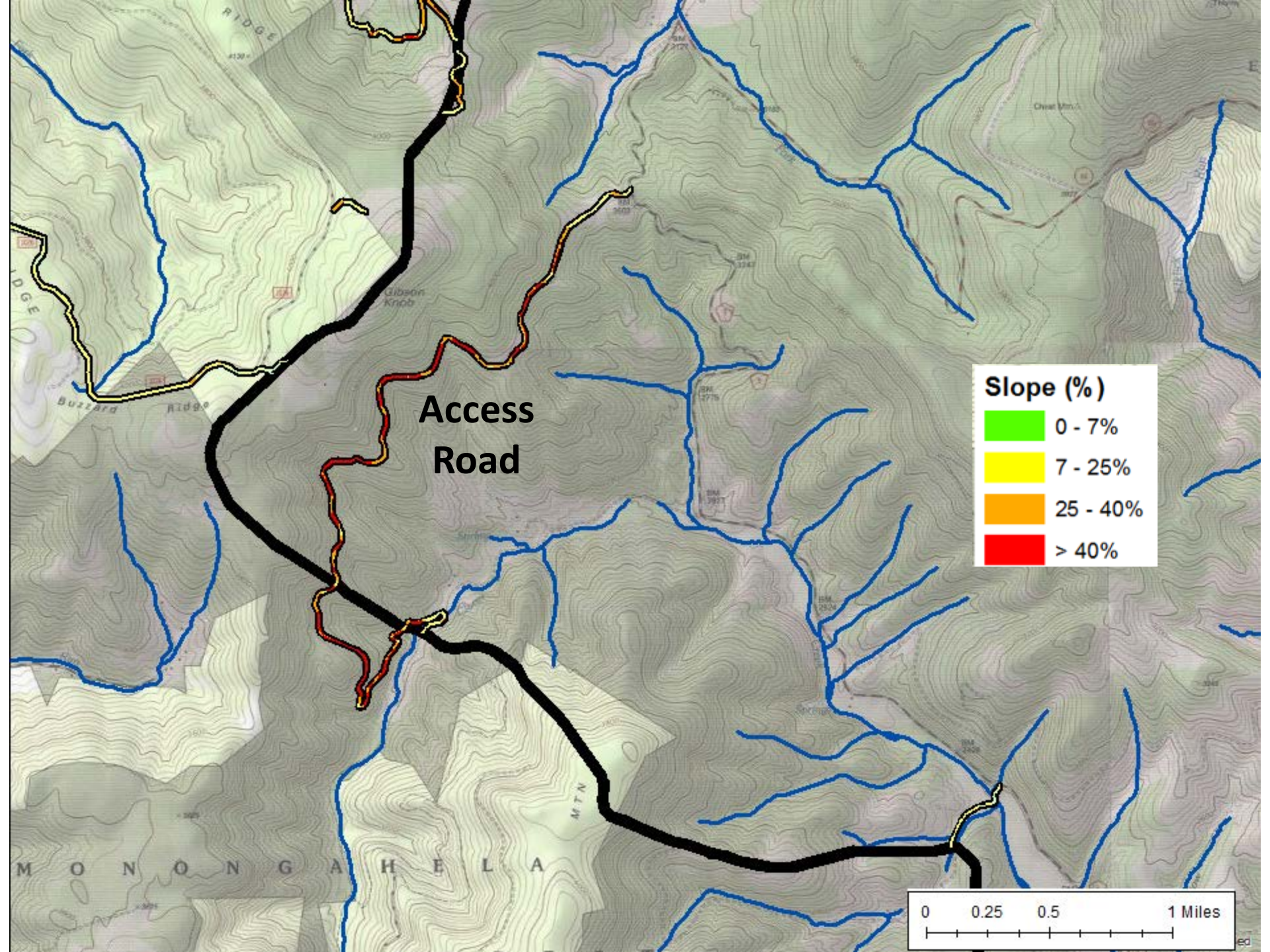
**Mauch
Chunk**

Spring

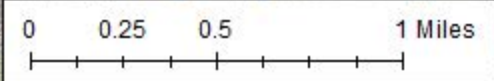
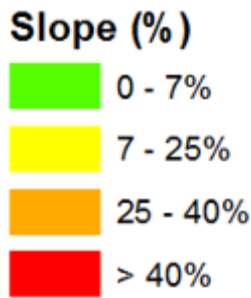
Karst

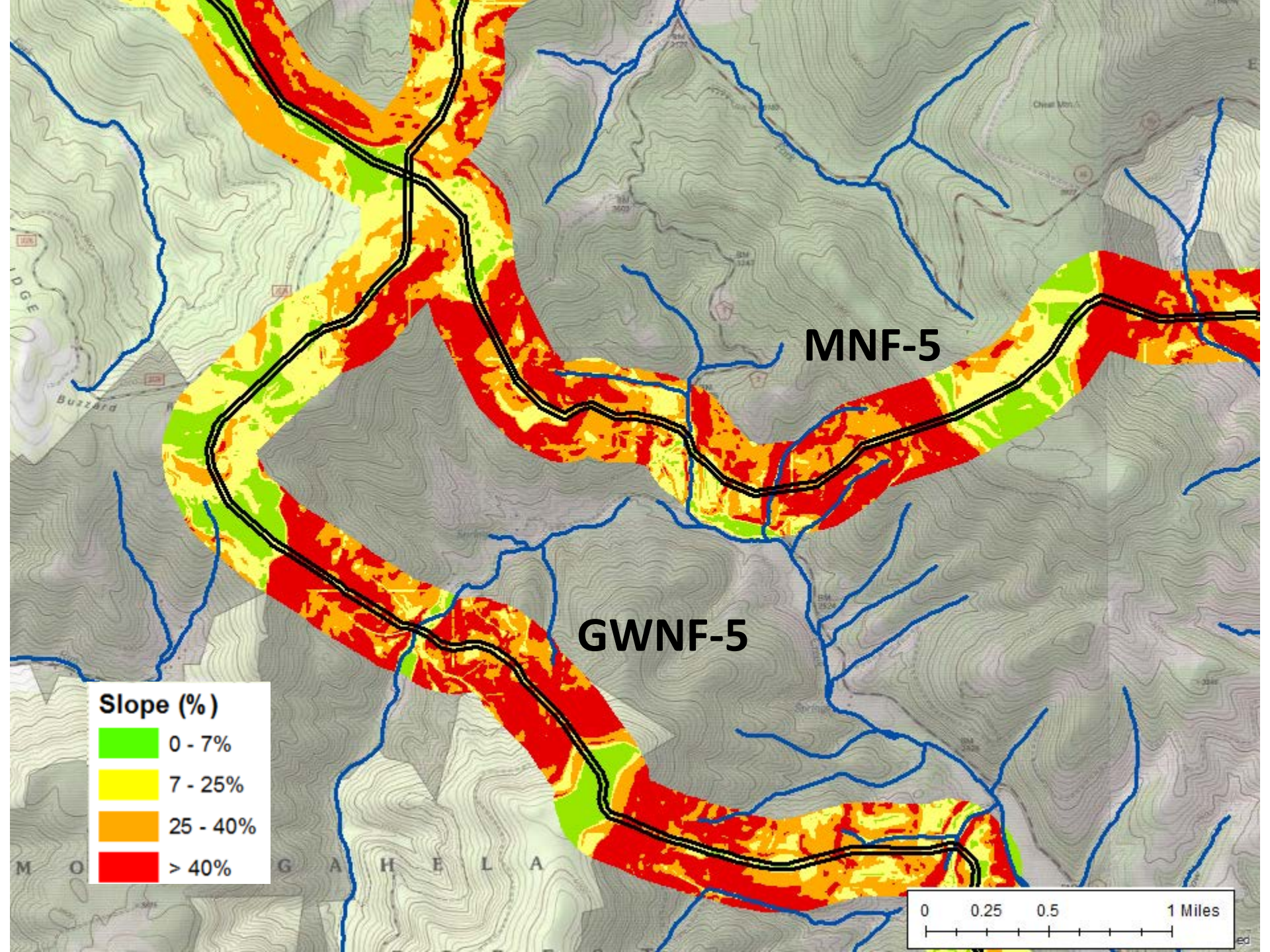
Springs





**Access
Road**



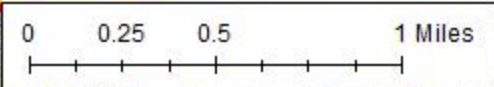


MNF-5

GNWF-5

Slope (%)

- 0 - 7%
- 7 - 25%
- 25 - 40%
- > 40%



ACP Critical Zone Mapping Project



ACP Critical Zone Mapping Project

TASKS

- **Critical Zone Mapping Identification and Classification**
 - Construction corridor
 - Pipeline and construction infrastructure
 - Stream and watershed
- **Geohazard and Ecosystem Research and Analysis**
 - Slope stability
 - Karst systems
 - Stream and watershed biota
- **Supplemental Analysis for Selected Locations**
 - Stormwater runoff control
 - Erosion and sediment control
 - Downstream aquatic effects
- **Presentation and Strategic Engagement**
 - Story Map format
 - Stakeholder communication



GIS Layers

Current Proposed ACP Route, etc.

- Construction corridor and centerline
- Access roads, staging areas, impoundments, valve and metering stations.
- HDD boring paths (10/30/15)
- HDD staging and pullback areas (10/30/15)
- River and stream crossings

Geophysical Information

- Corridor access road % slope (from 10 m DEM)
- Corridor soil erosion potential
- Corridor segments on side slopes
- Va. and W.Va. geology (formations)
- Landslides/slope failures
- Appalachian karst
- Sinkhole coverages
- Dye tracing records and karst recharge zones
- Spring coverages
- National Wetlands Inventory
- NHD rivers and streams
- FEMA floodplains
- Municipal water supply protection zones
- Regional precipitation

Watershed / Ecosystem Information

- Trout streams, reproducing and stockable (incomplete)
- TU Conservation Success Index for trout populations and habitat
- High Integrity Forest
- W.Va. Tier 3 streams
- Water supply protection areas
- Virginia Wildlife Environmental Review Map Service

Land Management Information

- Forest Service ownership and management prescriptions
- Blue Ridge Parkway
- Appalachian National Scenic Trail corridor
- VOF Conservation Easements

