



ABRA Update #121 – March 16, 2017

DPMC Objects to ‘One-Size-Fits-All Approach’ to Regulating Utility Projects

The Dominion Pipeline Monitoring Coalition (DPMC) has filed objections with the Virginia Department of Environmental Quality (DEQ) regarding the agency’s proposal to issue a “Water Quality Certification” (WQC) that would give free rein to build utility lines through state streams and wetlands. The DEQ has indicated it might decide to include the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP) under such blanket authority. The DPMC stated in its [March 13 letter](#):

We object to the issuance of this WQC, because the proposed action fails to meet the requirements of federal and state laws. The record offered as support for this action includes no analysis to justify issuance of the WQC and, therefore provides no legal or technical basis for a finding by the DEQ. Further, the absence of the required analysis makes it impossible for members of the public to provide complete and effective comments during this notice period. The current proposal must be rejected.

At issue is the DEQ’s approach to issuing a certification for the ACP and MVP under section 401 of the Clean Water Act, which requires that “any applicant for a Federal license or permit to conduct any activity . . . which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate . . . that any such discharge will comply with the applicable provisions” of the Act.

Support for the DPMC comments is strongly encouraged and can be accomplished at: https://boldalliance.webaction.org/p/dia/action4/common/public/?action_KEY=20749. Please act by Friday, March 17!

Dominion Criticizes Forest Service in U.S. Senate Testimony

In [testimony delivered March 14 before the Senate Energy and Natural Resources Committee](#), Diane Leopold, President and CEO of Dominion Energy, leveled criticism at the U.S. Forest Service in its interactions with Dominion concerning the Atlantic Coast Pipeline (ACP). Ms. Leopold, who is also chair of the Interstate Natural Gas Association, stated:

Despite all of our earnest efforts, the Forest Service continues to deliver new information requests and has often revised its standards . . . all we are asking for is fair and common-sense standards, and a reasonable schedule that is upheld.

This statement is at strong odds with a [February 24 letter by a Forest Service consultant](#), Prof. James A. Thompson of West Virginia University, concerning recent meetings held with Dominion officials in which the company has, according to the letter, failed to provide requested

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information on how it would construct the ACP through steep slope areas of the route in the Monongahela National Forest. (More on this in the [March 3 issue of ABRA Update.](#))

The Senate hearing was held on “Opportunities for America’s Energy Infrastructure.” Sen. Joe Manchin (D) of West Virginia is a committee member. ABRA plans to submit comments to the Senate Committee regarding Ms. Leopold’s testimony. Other excerpts of interest from Ms. Leopold’s testimony include:

- There are two key drivers for the Atlantic Coast Pipeline. First, there is a specific, regional customer need. . . The second factor that made this possible was the low cost, prolific supply of nature gas reserves across the country which lowers energy bills to homeowners and makes businesses more competitive.
- Dominion has engaged in an unprecedented level of outreach to all landowners, local governments, tribal governments, citizen organizations, and others. . . I am pleased to advise the Committee that on average over 90 percent of the landowners along the route have provided permission to survey their property to determine the suitability for the pipeline.
- While virtually all of the 600-mile pipeline will be underground which significantly reduces the impact to view sheds, the ACP is going to extraordinary lengths to further protect the view scape from the Blue Ridge Parkway and the adjacent Appalachian National Scenic Trail, Virginia’s and the Nation’s premiere sites.
- ACP has committed to employ best-in-class construction techniques to ensure the forest lands are protected and the project is compatible with management efforts to protect the forests resources. ACP continues to respond to requests and provide detailed information on construction techniques, soil conditions, visual impacts and construction operation plans to this new route suggested by the Forest Service.

Ms. Leopold’s testimony concluded by making several recommendations to streamline the approval of projects subject to the authority of the Federal Energy Regulatory Commission:

- Concurrent NEPA analysis and review of permits by FERC and other permitting agencies should be conducted.
- Require permitting agencies to determine when an application is complete to ensure compatibility with FERC’s permitting timeline.

Strengthen the coordination of FERC’s NEPA environmental reviews with cooperating agencies.

Landslide Potential for ACP in Nelson County Understated

A study of the potential for slope failures and landslides in Nelson County from the proposed Atlantic Coast Pipeline (ACP), coupled with a review of Dominion’s in-house analysis, has concluded that “Dominion has not adequately identified those soils and landforms that are prone to debris flows (and) landslides.” The report also states that “the potential for debris flows in the very steep mountainous portions of Nelson County is underestimated by the reports submitted to the Federal Energy Regulatory Commission (FERC) by Dominion.”

The author of the report, Blackburn Consulting Services, LLC, was contracted to review, assess, and comment on information submitted by Dominion to FERC, as related to the construction and operation of the ACP through Nelson County. The review was limited to information pertaining to soils/soil structure and slope stability, as well as the associated geohazards and erosion/water quality concerns that the ACP project raises for Nelson County.

Blackburn states that due to Dominion’s reliance on “regional-based and publicly available information, many of the statements made in Dominion’s FERC filings represent gross generalities. Dominion has not adequately identified those soils and landforms that are prone to debris flows/landslides, nor have they adequately addressed how they plan to mitigate those site-specific hazards that can put people, property and water quality at extreme risk.”

The [report](#), released on March 14, was a joint project of Friends of Nelson, Friends of Wintergreen and Wintergreen Property Owners, Inc.

Budget Cuts Loom for Conservation, EPA Enforcement, Clean Power Plan

Elimination of the Clean Power Plan and numerous energy conservation programs were among the features announced March 17 by the White House in presenting its 2018 budget blueprint, entitled “[American First: A Budget Blueprint to Make America Great Again.](#)”

Below are some excerpts, by department or agency, that will be of interest to *ABRA Update* readers. Budget reductions noted are based on comparisons with the 2017 Federal Budget. (Emphasis added for certain key provisions).

Department of Agriculture (21% reduction)

- Reduces funding for lower priority activities in the National Forest System, such as major new Federal land acquisition; instead, the Budget focuses on maintaining existing forests and grasslands.

Department of Energy (non-nuclear programs reduced by 18%)

- Focuses funding for the Office of Energy Efficiency and Renewable Energy, the Office of Nuclear Energy, the Office of Electricity Delivery and Energy Reliability, and the Fossil Energy Research and Development program on limited, early-stage applied energy research and development activities where the Federal role is stronger. In addition, the Budget eliminates the Weatherization Assistance Program and the State Energy Program to reduce Federal intervention in State-level energy policy and implementation. Collectively, these changes achieve a savings of approximately \$2 billion from the 2017 annualized CR level.

Environmental Protection Agency (31% reduction)

- Discontinues funding for the Clean Power Plan, international climate change programs, climate change research and partnership programs, and related efforts—saving over \$100 million for the American taxpayer compared to 2017 annualized CR levels. Consistent with the President’s America First Energy Plan, the Budget reorients EPA’s air program to protect the air we breathe without unduly burdening the American economy.
- Eliminates funding for specific regional efforts such as the Great Lakes Restoration Initiative, the Chesapeake Bay, and other geographic programs. These geographic program eliminations are \$427 million lower than the 2017 annualized CR levels. The Budget returns the responsibility for funding local environmental efforts and programs to State and local entities, allowing EPA to focus on its highest national priorities.

- Avoids duplication by concentrating EPA’s enforcement of environmental protection violations on programs that are not delegated to States, while providing oversight to maintain consistency and assistance across State, local, and tribal programs. This reduces EPA’s Office of Enforcement and Compliance Assurance budget to \$419 million, which is \$129 million below the 2017 annualized CR level.

Corp of Engineers (16% reduction)

In the News:

Local/Atlantic Coast Pipeline

Study: Dominion understates pipeline’s landslide potential in Nelson County

- Augusta Free Press – 3/14/17

<http://augustafreepress.com/study-dominion-understates-pipelines-landslide-potential-nelson-county/>

“...due to the reliance on this regional-based and publicly available information, many of the statements made in Dominion’s FERC filings represent gross generalities. Dominion has not adequately identified those soils and landforms that are prone to debris flows/landslides, nor have they adequately addressed how they plan to mitigate those site-specific hazards that can put people, property and water quality at extreme risk.”

Related:

- http://www.abralliance.org/wp_content/uploads/2017/03/Dominion_filing_lacks_specificity_group_says-Recorder_20170316.pdf
- <http://www.nbc29.com/story/34846001/new-study-says-dominion-underestimating-risks-of-landslides-in-nelson-county>

Letter to the Editor - Pipeline cannot be built without consequence

- The Recorder – 3/16/17

http://www.abralliance.org/wp_content/uploads/2017/03/Pipeline_cannot_be_built_without_consequence-Recorder_20170316.pdf

The attractiveness of Highland and Bath counties as places to live and visit is based upon the incredible natural beauty of the area, highlighted by matchless mountain vistas and the clean water resources. These are our assets. Should the ACP be built through the Allegheny Highlands these assets would be significantly and permanently diminished.

Related:

- http://www.abralliance.org/wp_content/uploads/2017/03/Proposed_pipelines_potential_impacts_are_many-Recorder_20170316.pdf

Dominion maps USFS access roads, describes build-out for pipeline

- The Recorder – 3/16/17

http://www.abralliance.org/wp_content/uploads/2017/03/Dominion_maps_USFS_access_roads-Recorder_20170316.pdf

Plans still sound optimistic, almost blasé, about schedule, terrain and impacts

Second suit seeks judicial review of station decision

- The Farmville Herald – 3/15/17

<http://www.farmvilleherald.com/2017/03/second-suit-seeks-judicial-review-of-station-decision/>

Appellants allege the board’s action in issuing the permit for the station was unlawful

Pipeline protesters pass through Johnston County

- The News & Observer – 3/16/17

<http://www.newsobserver.com/news/local/counties/johnston-county/article138837908.html>

With the walk, activists said they hoped to bring awareness to a project that many might never know exists but could hurt neighbors and the farming community Johnston retains as an identity

Regional/Mountain Valley Pipeline, other

Pipeline's passage through the region would add sediment to Roanoke River watershed

- The Roanoke Times – 3/12/17

http://www.roanoke.com/business/news/pipeline-s-passage-through-the-region-would-add-sediment-to/article_170bcf60-b493-5e22-98dc-4222ac7e2df9.html

The pipeline itself, or new or altered roads designed to provide access to the pipeline, will cross Roanoke River tributaries, including high-quality streams like Bottom Creek on Bent Mountain

Dianne Bady & Vivian Stockman: Proliferation of pipelines, fracking will hurt region

- The Herald-Dispatch – 3/12/17

http://www.herald-dispatch.com/opinion/dianne-bady-proliferation-of-pipelines-fracking-will-hurt-region/article_75b7a7b5-a8a1-5d0a-a3df-bbe38ad84825.html

Tom Perriello Plus All Three VA Dem LG Candidates Now Oppose the Mountain Valley & Atlantic Coast Gas Pipelines

- Blue Virginia – 3/13/17

<http://bluevirginia.us/2017/03/tom-perriello-plus-three-va-dem-lg-candidates-now-oppose-atlantic-coast-pipeline-mountain-valley-pipeline>

Big Picture:

Trump budget would slash EPA funding 31%, eliminate ARPA-E in DOE cuts

- Utility Dive – 3/16/17

<http://www.utilitydive.com/news/trump-budget-would-slash-epa-funding-31-eliminate-arpa-e-in-doe-cuts/438263/>

he budget targets a number of Obama-era energy and environmental initiatives, including eliminating the DOE's Advanced Research Projects Agency-Energy (ARPA-E) and making unspecified cuts to the DOE's office on energy efficiency and renewables

Related:

- https://www.washingtonpost.com/news/energy-environment/wp/2017/03/16/trumps-budget-would-torpedo-obamas-investments-in-climate-change-and-clean-energy/?utm_term=.27c5b0737d57

Obama left Trump a major climate-change report – and independent scientists just said it's accurate

- The Washington Post – 3/15/17

https://www.washingtonpost.com/news/energy-environment/wp/2017/03/15/obama-left-trump-a-major-climate-change-report-and-independent-scientists-just-said-its-accurate/?utm_term=.15bb408d4ea6

Likely headed for the circular file...for now

Republicans Break Ranks With Pledge to Fight Climate Change

- Bloomberg – 3/15/17

<https://www.bloomberg.com/news/articles/2017-03-15/republicans-break-ranks-with-pledge-to-fight-climate-change>

Republican climate bills are noteworthy not because one is likely to pass anytime soon, but because massive external forces—markets, other governments, and climate change itself—may eventually force it into the foreground

Study: Previous estimates lowball methane emissions from natural gas plants

- Utility Dive – 3/16/17

<http://www.utilitydive.com/news/study-previous-estimates-lowball-methane-emissions-from-natural-gas-plants/438264/>

The study notes that, despite the amount of methane leaking from gas plants, the fuel resource is still cleaner than burning coal

Gazprom Makes Concessions in E.U. Gas Deal, but Trouble Looms for Russian Giant

- The New York Times – 3/13/17

https://www.nytimes.com/2017/03/13/business/eu-russia-gazprom.html?_r=0

Energy co-dependence seems to have the EU feeling better, and Russia playing nice...for now

In Georgia and South Carolina, ‘the game has changed’ on oil pipelines

- Southeast Energy News – 3/14/17

<https://southeastenergynews.com/2017/03/14/in-georgia-and-south-carolina-the-game-has-changed-on-oil-pipelines/>

After setting temporary moratoriums on new oil pipelines in 2016, both Georgia and South Carolina are moving forward with hearings and bills to tighten regulations

Clean Energy Could Spark a Trade War Between the US and China

- Wired – 3/16/17

<https://www.wired.com/2017/03/us-china-clean-energy/>

New administration’s policies, backing away from innovation and competition, make this more likely down the road