



ABRA Update #131 – May 25, 2017

Virginia DEQ Reneges on Commitment to ACP Water Quality Analysis

The Virginia Department of Environmental Quality (DEQ) has done an about-face on its previously announced intention to “ensure that Virginia water quality standards are maintained in all areas affected” by the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP).” The agency is responsible under Section 401 of the Clean Water Act (CWA) to assure that such projects do not compromise a state’s water quality standards.

The DEQ had announced on April 6 that it would “look at each wetland, stream crossing, etc. separately to determine specific requirements that would be necessary.” This week the DEQ reversed its earlier statement, saying that it will instead individually review only those aspects of each pipeline proposal not covered by the U.S. Army Corp of Engineers (COE) review of the projects under Section 404 of the CWA. Under that review, the COE would issue a Nationwide Permit Number 12 (NWP 12) to cover stream and wetland crossings. The DEQ attributed its earlier statement to an internal “lack of communication and coordination.”

On Wednesday, March 24, the Dominion Pipeline Monitoring Coalition wrote Virginia Governor McAuliffe strongly protesting the apparent attempt of the DEQ “to evade its responsibilities to make detailed and public individual regulatory reviews of *all* threats to water posed by these pipeline proposals, including those caused by all waterbody crossing.” The [DPMC letter](#), authored by David Sligh, Senior Regulatory Systems Investigator for the group, reminded the Governor that he had promised that the ACP and MVP would be the “most environmentally responsible” pipeline projects ever built.

The DPMC said that the DEQ’s “rubber stamp approval of NWP 12 is unsupportable, both technically and legally,” because:

1. A review of all relevant documents (obtained by DPMC through a Freedom of Information Request earlier in May) shows that the Department did not analyze the suitability of NWP 12 to meet Virginia Water Quality Standards.
2. DEQ’s information requests and analyses, submitted to the Federal Energy Regulatory Commission (FERC) in response to Draft Environmental Impact Statements (DEISs) for both MVP and ACP, clearly indicate that work done in wetlands and streams may alter aquatic ecosystems affected by the pipelines in ways that would be very damaging.
3. To fully understand the water quality risks associated with each pipeline, DEQ must look at the potential cumulative impacts that might be caused in each waterbody and each watershed. The effects of upland excavations and roads, the possible impacts from directional drilling, disturbances in karst areas, and those impacts caused by waterbody crossings cannot be segregated.

To assist your further understanding of the Section 401 issue as it relates to the proposed pipelines, the DPMC has provided a useful compilation of and links to documents on the 401-

Please support ABRA’s important work by clicking [here](#).

review issue, as well as on erosion and sediment control, stormwater management and geohazards related to the ACP. Access that compilation [here](#). Another useful resource on the 401 issue is a [May 15 letter](#) written by DPMC to DEQ Director David Paylor. The letter discusses the considerations that the agency should take into account in its evaluation of ACP water quality issues.

Energy Industry-Sponsored Poll Claims Strong Public Support for ACP

The Consumers Energy Alliance (CEA), an industry coalition whose members include Dominion Energy and the Virginia Manufacturers Association (which is also represented on the group’s Board of Directors), this week released results of a public opinion survey conducted in Virginia, West Virginia and North Carolina claiming widespread public support for the Atlantic Coast Pipeline (ACP). The CEA results contradict a [September 2016 survey](#) conducted among Virginians by the Chesapeake Climate Action Alliance and Virginia Organizing that found 2-1 opposition to new natural gas pipelines (28% in favor, 55% opposed).

The CEA survey asked interviewees two questions:

1. *Have you heard or read anything about a proposed natural gas pipeline from West Virginia, to public utilities in Virginia and North Carolina, or is that not something you have heard or read about?* (Positive responses were: VA, 53%; WV, 62%; and NC, 50%.)
2. *Have you heard or read anything about a proposed natural gas pipeline from West Virginia, to public utilities in Virginia and North Carolina, or is that not something you have heard or read about?*

In answer to the second question, the reported survey results for each state were:

State	Strongly Support	Somewhat Support	TOTAL Support	Strongly Oppose	Somewhat Oppose	TOTAL Oppose	Don't Know
VA	20%	34%	<u>54%</u>	16%	15%	<u>31%</u>	14%
WV	26	33	<u>60</u>	16	11	<u>28</u>	12
NC	18	34	<u>52</u>	15	18	<u>32</u>	15

The North Carolina results also included support/opposition figures for the counties through which the pipeline would traverse. In those counties, support for the ACP was cited at 60%, opposition at 29%.

Two other interesting features of the survey concerned the demographics:

- Those interviewed in each state tended to be older than the population. 27% of Virginians interviewed were over 65, while the state’s 65+ population is 12%. For North Carolina, 37% of interviewees were 65+, while 13% of the state is. In West Virginia, 23% of interviewees were 65+, but only 16% of the state’s population is.
- There was a decidedly stronger show of support for the pipeline among men than women. In Virginia, 65% of men supported the ACP, but only 45% of women. In North Carolina, support was 62% among men, 44% among women. In West Virginia, 67% of men were favorable, while 52% of women were.

The survey was conducted by Hickman Analytics, Inc., a Washington, DC-based polling firm. The survey interviewees were all registered voters and were interviewed by telephone between May 9 and 11, 2017. Those surveyed totaled 660 persons in NC, 405 in WV and 500 in Virginia. The CCAN/Virginia Organizing survey sample totaled 732 persons.

ABRA’s Communication Committee is analyzing the survey results and contemplating appropriate responses.

U.S. Senate Conducts Confirmation Hearings on FERC Nominees

The U.S. Senate Committee on Energy and Natural Resources conducted a confirmation hearing on May 25 for the recently nominees to the Federal Energy Regulatory Commission, Neil Chatterjee and Robert Powelson (see [May 19 ABRA Update](#) for background on nominees). The hearing also heard testimony from the nominee for Deputy Secretary of Energy, [Dan R. Brouillette](#), currently Senior Vice President and head of public policy for USAA, the financial services firm. During the hearing, several questions were posed regarding the increasing role of renewables in the fuel mix for meeting the nation's energy needs. Both Chatterjee and Powelson spoke favorably of this trend. Natural gas issues were raised, including LNG exports, but natural gas pipelines were not brought up.

Copies of the opening statements made by participating Senators, the testimony of the nominees and a webcast of the two-hour hearing is available [here](#).

Virginia Gubernatorial Primaries Set for June 13. Be Sure to Vote!

The primaries to determine the Republican and Democrat nominees for Governor of Virginia, to succeed current Governor Terry McAuliffe, will be held on Tuesday, June 13. Those readers of *ABRA Update* who are eligible voters in Virginia are strongly urged to learn about the candidates' views on pipeline issues and to vote. The deadline to request an *absentee ballot to be mailed to you* is 5:00 p.m. Tuesday, June 6, 2017. Requests must be received by local Voting Registrars by 5:00 p.m. of that day.

In the News:/

Local/Atlantic Coast Pipeline

DEQ acknowledges error, clarifies approach to review of pipelines

- The Roanoke Times – 5/24/17

http://www.roanoke.com/business/news/deq-acknowledges-error-clarifies-approach-to-review-of-pipelines/article_2ea11f0c-1fac-5531-aaae-ba6d7f0b2e0c.html

Related:

- http://www.dailyprogress.com/news/state/virginia-deq-denies-backpedaling-on-pipeline-water-crossing-reviews/article_e72d6abe-40e8-11e7-9b23-03726e2d6391.html

Steep slope plan 'extensive,' Dominion says

- The Recorder – 5/25/17

http://www.abralliance.org/wp-content/uploads/2017/05/Steep_slope_plan_extensive_Dominion_says-Recorder20170525.pdf

But, plans on paper are one thing...

Dirty Dominion Pushes Fracked Gas and Super-Expensive Nuclear While Offshore Wind Costs Plummet. Brilliant!

- Blue Virginia – 5/20/17

<http://bluevirginia.us/2017/05/dirty-dominion-pushes-fracked-gas-super-expensive-nuclear-offshore-wind-costs-plummet-brilliant>

Until financial incentives are changed, Dominion will have no economic imperative to switch to cleaner, cheaper energy sources.

FERC Delays Final Environmental Impact release: scheduled for July 21st

- Federal Register – 5/19/17

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-19/pdf/2017-10122.pdf>

Regional/Mountain Valley Pipeline, other

Opponents hope Newport historic designation will help in fight against Mountain Valley Pipeline

- WSLs10 News – 5/19/17

<http://www.wsls.com/news/virginia/new-river-valley/opponents-hope-newport-historic-designation-will-help-in-fight-against-mountain-valley-pipeline>

People in the Town of Newport in Giles County hope a new historic designation for the area can help them fight the Mountain Valley Pipeline.

Downs: Mountain Valley Pipeline disrespects our landscape, our opinions

- The Roanoke Times – 5/22/17

http://www.roanoke.com/opinion/commentary/downs-mountain-valley-pipeline-disrespects-our-landscape-our-opinions/article_d968ac86-6f60-59c1-9ba2-9227f290da24.html

Downs is Virginia Regional Director for the Appalachian Trail Conservancy.

Mountain Valley Pipeline survey case reaches Roanoke courtroom

- WDBJ7 News – 5/19/17

<http://www.wdbj7.com/content/news/Pipeline--423249354.html>

The hearing dealt with a few parcels on Bent Mountain, but opponents say it could have much larger implications.

A once all-powerful corporation is suddenly politically toxic in Virginia

- The Washington Post – 5/19/17

https://www.washingtonpost.com/opinions/a-once-all-powerful-corporation-is-suddenly-politically-toxic-in-virginia/2017/05/19/b4e83a92-3b1c-11e7-a058-ddbb23c75d82_story.html

Resistance to Dominion's plans and behavior becoming a liability for the company...used to getting its way in all matters.

Big Picture:

Scientists just published an entire study refuting Scott Pruitt on climate change

- The Washington Post – 5/24/17

<https://www.washingtonpost.com/news/energy-environment/wp/2017/05/24/scientists-just-published-an-entire-study-refuting-scott-pruitt-on-climate-change>

After reviewing temperature trends contained in three satellite data sets going back to 1979, the paper concludes that the data sets show a global warming trend — and that Pruitt was incorrect.

Trump's Energy Budget Leaves Coal Country In The Cold

- Forbes – 5/25/17

<https://www.forbes.com/sites/thebakersinstitute/2017/05/25/trumps-energy-budget-leaves-coal-country-in-the-cold/#3b77d91e40e5>

Cutting funds to fossil fuel research (mostly centered around reducing emissions from these energy sources) not only reduces the chance of significantly slowing climate change. It yanks away what little lifeline is left for those living in coal-producing regions.

Does FERC Delegation Authority Survive Loss Of Quorum?

- Law360 – 5/22/17

<https://www.law360.com/energy/articles/926831/does-ferc-delegation-authority-survive-loss-of-quorum->

More routine actions have been taken by the agency's staff over the last several months under authority delegated to the staff by FERC when it still had a quorum. The legality of some of those actions has been challenged in a case now before the D.C. Circuit.

Trump's rural voters fighting to keep their land from a growing web of pipelines

- The Sacramento Bee – 5/22/17

<http://www.sacbee.com/news/nation-world/national/article152002242.html>

How New York Is Building the Renewable Energy Grid of the Future

- Inside Climate News – 5/25/17

<https://insideclimatenews.org/news/24052017/new-york-renewable-energy-electrical-grid-solar-wind-energy-coal-natural-gas>

Three years ago, New York announced that it would spend \$5.3 billion toward meeting its goal of having 50 percent of its electricity come from renewable sources by 2030.

China and India Make Big Strides on Climate Change

- The New York Times – 5/22/17

<https://www.nytimes.com/2017/05/22/opinion/paris-agreement-climate-china-india.html>

The two countries most-often cited by the U.S. as obstacles to progress against climate change are quickly moving ahead in the race for a clean-energy future.