



## *ABRA Update #139 – July 20, 2017*

### **Final EIS Due to be Released by FERC on Friday**

The Final Environmental Impact Statement (FEIS) for the Atlantic Coast Pipeline (ACP) is expected to be released first thing Friday morning, July 21 by the Federal Energy Regulatory Commission (FERC). A Draft Environmental Impact Statement (DEIS) was released December 30 and was the subject of extensive comments and public hearings. ABRA produced an extensive review of the DEIS (available on the [ABRA website](#)), pointing the extensive shortcomings, missing information and erroneous conclusions.

ABRA will be posting a link on our website to the FEIS on Friday morning and will be issuing a statement to the media. We will also be sending to all recipients of *ABRA Update* a copy of our press release and a link to the FEIS.

The FEIS is generated by the FERC staff and is one of the major inputs into the decision-making process for the ACP. The decision by the sitting FERC commissioners on whether to issue a permit for the ACP is scheduled to be made by October 19. However, if that timetable is to hold, it will be necessary for the U.S. Senate to confirm pending nominations for two new FERC commissioners since the 5-member body is down to one sitting member; three members constitute a quorum. It is not clear at this writing when the Senate will take up pending nominations of four newly named commissioners (see story below). And, even if the new FERC members are confirmed before the planned congressional recess in August, it is not clear how long it will take the newly reconstituted Commission to get through the backlog of decisions awaiting action since the body lost its quorum earlier this year with the resignation of Commissioner Norman Bay. Both factors could influence the timing of the ACP permit decision.

### **Virginia DEQ Posts Info on Erosion & Stormwater Plans for ACP and MVP**

Plans for erosion and sediment control, as well as for stormwater management, for the Atlantic Coast Pipeline and the Mountain Valley Pipeline were made available this week on the website of the Virginia Department of Environmental Quality (DEQ). The [posting on the DEQ website](#) states:

Virginia state law and regulations establish that land disturbance associated with pipeline construction activities must meet Erosion and Sediment Control (ESC) and Stormwater Management (SWM) requirements to protect surface water quality during and after construction completion. State law further mandates that natural gas pipeline utilities (and certain other utilities) meet the requirements for ESC and SWM under a DEQ approved Annual Standards and Specifications Program.

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Under the required Annual Standards and Specifications Program utilities are not required to submit site specific ESC and SWM plans to DEQ for approval. However, as an additional measure to ensure protection of state waters DEQ has required the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline (MVP) projects to submit their site specific ESC and SWM plans to DEQ for review and approval.

ACP and MVP site specific [ESC](#) and SWM plans will address every foot of land disturbance related to pipeline construction, including access roads and construction lay-down areas.

The DEQ has previously stated it will review those plans (stormwater management and erosion and sediment control plans) separately from its review under the Clean Water Act Section 401. As a result, the State Water Control Board's decision whether to certify that construction of the Atlantic Coast Pipeline will not harm state waters will not be informed by the essential details that the erosion and runoff control plans should provide. This is a concern that ABRA and many of its members have voiced to DEQ and the Water Control Board.

## **New FERC Chairman Named by President Trump**

Kevin J. McIntyre, an energy attorney in Washington, has been named as the new Chairman of the Federal Energy Regulatory Commission (FERC). The June 13 White House announcement states:

Kevin J. McIntyre of Virginia to be a Member of the Federal Energy Regulatory Commission, for the term expiring June 30, 2018, and an additional term expiring June 30, 2023, and upon confirmation, shall be designated Chairman. Mr. McIntyre is the co-leader of the global Energy Practice at the law firm Jones Day, where he has practiced law for most of his nearly 30-year legal career. A graduate of San Diego State University and Georgetown Law, Mr. McIntyre is a recognized leader in the United States energy regulatory arena, with an expansive Federal Energy Regulatory Commission practice representing clients in all industry sectors—natural gas, conventional electricity, oil, hydropower, wind power and other renewable resources, and energy marketing and trading. His work for energy clients spans administrative and appellate litigation, compliance and enforcement matters, and corporate transactions. Mr. McIntyre is active in energy industry, legal, and educational organizations, as well as in his local community. He lives in Arlington, Virginia, with his wife Jennifer and their three young children.

McIntyre will replace as chairman Cheryl LaFleur, the only currently sitting commissioner, who has been serving as Acting-Chairman but will continue as a FERC member. The McIntyre announcement marks the 4<sup>th</sup> appointment to the 5-member commission by President Trump. Neil Chatterjee and Robert Powelson were nominated to the Commission on May 10 and are awaiting a confirmation vote by the Senate (see [ABRA Update #129](#) for their background). On June 28, the President announced his intent to nominate as a Commissioner Richard Glick, a Democrat, who is currently General Counsel of the Senate Energy and Natural Resources Committee. At this writing, paperwork on Mr. Glick's appointment has not yet been sent to the Senate for his nomination to be considered by the Energy and Natural Resources Committee. Details about Mr. Glick are [here](#).

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

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

#### **Nelson resident cites pipeline project patterns**

- The Recorder – 7/20/17

[https://www.abralliance.org/wp-content/uploads/2017/07/Nelson\\_resident\\_cites\\_pipeline\\_project\\_patterns-Recorder\\_20170720.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/Nelson_resident_cites_pipeline_project_patterns-Recorder_20170720.pdf)  
ACP and MVP claim they will abide by environmental rules...industry practice and their own previous projects say otherwise.

#### **Pipeline puzzle pieces shamefully missing**

- The Recorder – 7/20/17

[https://www.abralliance.org/wp-content/uploads/2017/07/Pipeline\\_puzzle\\_pieces\\_shamefully\\_missing-Recorder\\_20170720.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/Pipeline_puzzle_pieces_shamefully_missing-Recorder_20170720.pdf)  
ACP continues to move through the permitting process but avenues for challenge remain.

#### **Echoes Of A Dark Past At Virginia's Standing Rock**

- Huffington Post – 7/17/17

[http://www.huffingtonpost.com/entry/echoes-of-a-dark-past-at-virginias-standing-rock\\_us\\_596d21c0e4b010d77673185a](http://www.huffingtonpost.com/entry/echoes-of-a-dark-past-at-virginias-standing-rock_us_596d21c0e4b010d77673185a)

#### **Hundreds Flood Pipeline Hearing**

- The Daily Record – 7/20/17

<http://www.mydailyrecord.com/edition/a-main/2017/07/20/hundreds-flood-pipeline-hearing/>

#### **OPINION: Our Elected Officials and the Pipeline**

- The News Virginian – 7/19/17

[http://www.dailyprogress.com/newsvirginian/opinion/guest\\_columnists/opinion-our-elected-officials-and-the-pipeline/article\\_abbd4e2-6ceb-11e7-9979-97cd1400b922.html](http://www.dailyprogress.com/newsvirginian/opinion/guest_columnists/opinion-our-elected-officials-and-the-pipeline/article_abbd4e2-6ceb-11e7-9979-97cd1400b922.html)

It's time our elected officials got serious about representing the interests of Virginians...not "power" brokers.

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

#### **Opposition Building Against Mountain Valley Pipeline**

- Appalachian Trail Conservancy – 7/17/17

<http://www.appalachiantrail.org/home/community/news/2017/07/17/opposition-building-against-mountain-valley-pipeline>

Related:

- <http://www.wdbj7.com/content/news/Mountain-Valley-Pipeline-opponents-focus-on-safety-of-regions-water-supply-435276743.html>

- <https://beyer.house.gov/news/documentsingle.aspx?DocumentID=626>

#### **Fayette residents express concerns about gas pipeline**

- The Register-Herald – 7/17/17

[http://www.register-herald.com/news/fayette-residents-express-concerns-about-gas-pipeline/article\\_1e56eda5-f318-593d-97f2-4b3825d826ec.html](http://www.register-herald.com/news/fayette-residents-express-concerns-about-gas-pipeline/article_1e56eda5-f318-593d-97f2-4b3825d826ec.html)

The commission hosted the presentation to allow the MVP panel to educate citizens on the proposed pipeline and to answer questions.

#### **Natural Gas Building Boom Fuels Climate Worries, Enrages Landowners**

- NPR – 7/17/17

<http://www.npr.org/2017/07/17/536708576/natural-gas-building-boom-fuels-climate-worries-enrages-landowners>

Thoughtful, well-researched article on the state of the Appalachian Pipeline Overbuild.

### **Opinion/Commentary: Virginia's heat climbs while its leaders nap**

- The Daily Progress – 7/16/17

[http://www.dailyprogress.com/opinion/opinion-commentary-virginia-s-heat-climbs-while-its-leaders-nap/article\\_11cffa8-68c0-11e7-94a5-276d4c06bce.html](http://www.dailyprogress.com/opinion/opinion-commentary-virginia-s-heat-climbs-while-its-leaders-nap/article_11cffa8-68c0-11e7-94a5-276d4c06bce.html)

Climate change is already happening...here. Our legislators must get their heads out of the sand.

### **Dominion wants ‘flexible compliance’ as Virginia considers carbon caps**

- Southeast Energy News – 7/14/17

<https://southeastenergynews.com/2017/07/14/dominion-wants-flexible-compliance-as-virginia-considers-carbon-caps/>

Dominion used to writing Virginia’s laws...aims to get out in front of carbon regulation.

## **Big Picture:**

### **Report: Draft of DOE grid study finds renewables not a threat**

- Utility Dive – 7/17/17

<http://www.utilitydive.com/news/report-draft-of-doe-grid-study-finds-renewables-not-a-threat/447232/>

A DOE spokesperson told the outlet that the draft is "constantly evolving" so who knows what the final version will say.

Related:

- <https://www.bloomberg.com/news/articles/2017-07-14/renewable-energy-not-a-threat-to-grid-draft-of-u-s-study-finds>

### **Trump nominates Republican energy lawyer McIntyre to head FERC**

- Utility Dive – 7/14/17

<http://www.utilitydive.com/news/trump-nominates-republican-energy-lawyer-mcintyre-to-head-ferc/447142/>

Fourth FERC nomination leaves many wondering when nominees will be voted in or out.

### **Rover Gas Pipeline Builder Faces Investigation by Federal Regulators**

- Inside Climate News – 7/19/17

<https://insideclimatenews.org/news/19072017/rover-gas-pipeline-ferc-investigation-historic-home-demolished-ohio-farm-fields-wetlands>

Rover, behaving like a poorly-trained dog, continues to rack up violations and fines. A sign of what’s to come with MVP and ACP?

Related:

- [http://www.huffingtonpost.com/entry/energy-transfer-ohio-rover\\_us\\_59693390e4b03389bb1768b1](http://www.huffingtonpost.com/entry/energy-transfer-ohio-rover_us_59693390e4b03389bb1768b1)

### **\$3 Billion Natural Gas Pipeline Plan Halted due to Loss of Funding, Permits**

- Spare Change News – 7/18/17

<http://sparechangenews.net/2017/07/3-billion-natural-gas-pipeline-plan-halted-due-loss-funding-permits/>

The project, known as Access Northeast, allegedly needs more time to create a stronger political support for a proposed tariff on electric ratepayers.

### **House votes to give FERC new power over pipelines**

- The Washington Examiner – 7/19/17

<http://www.washingtonexaminer.com/house-votes-to-give-ferc-new-power-over-pipelines/article/2629169>

New legislation would allow natural gas industry to steamroll projects through even faster with less accountability.

### **NARUC 2017: Are the days of cheap natural gas numbered?**

- Utility Dive – 7/19/17

<http://www.utilitydive.com/news/naruc-2017-are-the-days-of-cheap-natural-gas-numbered/447437/>

As if more reasons to not rush headlong into additional gas infrastructure were needed! Lot of ground covered here.

### **Climate change will force today’s kids to pay for costly carbon removal technologies, study says**

- The Washington Post – 7/19/17

[https://www.washingtonpost.com/news/energy-environment/wp/2017/07/19/climate-change-will-force-todays-kids-to-pay-for-costly-carbon-removal-technologies-study-says/?utm\\_term=.1a79273921f7](https://www.washingtonpost.com/news/energy-environment/wp/2017/07/19/climate-change-will-force-todays-kids-to-pay-for-costly-carbon-removal-technologies-study-says/?utm_term=.1a79273921f7)

Costs could top \$500 trillion by century’s end. We should probably try to avoid this outcome.

**China is crushing the U.S. in renewable energy**

- CNN Tech – 7/18/17

<http://money.cnn.com/2017/07/18/technology/china-us-clean-energy-solar-farm/index.html>

Because they want it more than we do...and the century of jobs and innovation that it will bring to those who invest materially in the new economy.

**Africa Set To "Leapfrog" Over Coal And Choose Renewable Energy Instead**

- IFLScience – 7/20/17

<http://www.iflscience.com/environment/africa-leapfrog-coal-choose-renewable-energy-instead/>