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Nelson resident cites pipeline project patterns

Editor's note: The following letter was sent July 15 from a Nelson County resident to David Paylor, director of the Virginia Department of Environmental Quality, about the proposed Atlantic Coast and Mountain Valley pipelines. When submitted for the record, sources for information included was provided. It was added to the ACP dockets, and shared with Sen. Mark Warner, Sen. Tim Kaine, Gov. McAuliffe, Lt. Gov. Northam, the Army Corps of Engineers, and the Nelson County Board of Supervisors. Dear Director Paylor,

Residents along the routes of both the Atlantic Coast Pipeline and Mountain Valley Pipeline have invested significant hours these past three years getting up to speed on issues related to the natural gas industry and pipeline construction.

In addition to reviewing the Federal Energy Regulatory Commission applications and filings from the applicants, reviewing information from news sources and reports from residents in other parts of the country have supplied us with a wealth of information.

Patterns concerning construction of these projects have emerged that are alarming, to say the least. Included in this letter, are "situations" and violations during pipeline construction that are seen all too often. While the FERC has intervened in a small number of cases, in the majority of these situations, both the FERC and the Army Corps of Engineers in charge of issuing the nationwide permits for wetland and stream crossings have not reacted at all.

The Virginia Department of Environmental Quality is inarguably now reviewing the greatest environmental challenge ever faced in our state from these two proposed mammoth pipelines. Thousands of acres of protective forested land will be stripped, and nearly two thousand streams will be crossed with countless wetland areas impacted. While the task is monumental, it's vital that the Virginia DEQ consider the overall behavior of the natural gas industry and ongoing pipeline construction.

The following information and related links serve as testament to this industry's activities after lengthy reviews and permits are issued, and validates the concerns expressed by residents all along the routes of the ACP and MVP. The highly sensitive environmental areas coupled with the steep slopes of these particular routes exacerbate the issues Virginians will likely be left to deal with if either or both of these pipelines are ever constructed.

Environmental violations, pipelines

- **Rover Pipeline, Energy Transfer Partners** — In just over four months of construction, the 42-inch Rover Pipeline has the Ohio DEP (Department of Environmental Protection) dealing with multiple environmental violations that officials predict may take decades to clean up.

From the Columbus Dispatch: “In all, at least 18 incidents have been reported in 11 Ohio counties over eight weeks, including mud spills from drilling, storm water pollution and open burning. The Ohio EPA says at least eight incidents violated state law, and many of the rest are under review.”

One drilling mud spill was more than 2 million gallons and another was over 50,000 gallons. Several weeks into cleanup of the largest spill into this Ohio wetland area, an anonymous tip led officials to discover diesel fuel present in the drilling mud that was claimed to be bentonite only. Officials had already agreed to disposal of recovered drilling mud in a quarry near a municipal water supply when the diesel was discovered and verified.

While the FERC has intervened and suspended new Horizontal Directional Drillings, drilling has continued on areas already in progress, and additional spills have been discovered in the area where the largest spill occurred, proving that weeks afterwards, this drilling mud is finding additional pathways to the surface.

Rover has now reverted back to conventional trenching in areas where they have been denied permission to resume HDDs, and the FERC seems not to be expressing concerns in spite of the fact that the permit was issued based on horizontal direct drilling for these areas.

The Army Corps of Engineers, the agency issuing the nationwide permit for Rover, has to date made no public comment or taken action. Ohio DEP officials are raising proposed fines and expressing increasing frustration. It’s important to note that Ohio is an extraction state and is both accustomed and equipped to deal with issues created by the oil and gas industry.

Rover was also put on notice of violation by the Ohio DEP for tree removal before the permitted time needed to protect Indiana Bats, and cited for burning right-of-way debris near homes violating air quality standards. Erosion control and sediment run off has occurred on agricultural land during normal spring rains resulting in crop losses for at least this growing season, if not beyond.

Rover is now also under investigation by the FERC for violation of the permit due to destruction of a historic home they agreed to preserve.

- **Mariner East II, Sunoco Logistics** — During ongoing construction of this pipeline in Chester County, Pa, Mariner East damaged an aquifer with a horizontal direct drill that has impacted the private well water of about a dozen homes. Five families, without water, have been provided hotel accommodations, while the remaining families with “muddy” water are being supplied drinking water.

The issues were reported by residents two weeks after Sunoco allegedly penetrated this aquifer with the HDD. A local city official is now encouraging Mariner East to provide municipal water hook ups to these residents, and initially drilling was stopped, but has since resumed without reports from a thorough investigation.

From another report on this story: “In a September report citing ‘technical deficiencies’ in Sunoco’s pipeline application, DEP singled out geologic formations near Exton and East Whiteland Township as presenting an ‘additional risk’ of contamination or ‘inadvertent returns’ during horizontal drilling. It asked Sunoco to provide ‘a detailed assessment of measures to reduce the risk of drilling’ in the area.”

Mariner East later responded by saying that “it had worked with the public water supplier in the area, Aqua Pennsylvania, to step up groundwater-monitoring efforts, including the installation of a monitoring well near Aqua’s two Hillside water wells, which are about 300 feet from the pipeline route.”

It seems that steps were taken to protect municipal wells, but not private wells.

Residents of Bath and Augusta counties where karst terrain is an issue will likely not have access to a municipal water supply hook up if the unthinkable should occur, and Dominion has yet to file detailed reports on construction of the ACP in these areas. Just since this paragraph was typed, news stories indicate that the number of families impacted by the HDD is now 30, and although Mariner has agreed to municipal water hook ups, there is no projected date for relief.

- Williams, Transco, Dalton Expansion Project — This natural gas pipeline expansion project in northern Georgia is a relatively small 112-mile upgrade, and yet, has been cited for multiple violations related to construction, mostly related to storm water management and erosion control. It’s clear from the article, that although Dalton reacted to notices of violations, they continued to violate over and over again in subsequent months.

From this article: “The order affirms what many landowners had already recognized, Camp said – ‘that Transco was cutting corners and avoiding basic environmental precautions.’”

These pipeline companies routinely allow the violations to stack up, simply pay the fines, and consider them part of the cost of doing business. There is no clear intent on their part to honor agreements made to institute “best practices.”

The regulatory process often doesn’t react quickly enough to forestall damages, and the violation notice process is complicated and lengthy, allowing these companies to complete projects before damages can be further avoided.

Is the Virginia DEQ prepared to monitor construction of both the ACP and the MVP simultaneously? Is the Virginia DEQ willing to shut down construction on the entire route through Virginia when the first violation occurs?

- Various CNX Gas Co. LLC and CONE Midstream intrastate pipelines, Washington, Greene, Indiana and Jefferson counties, Pa. — Twenty-seven pipelines belonging to these two companies

were cited under routine inspection for violations of construction permits issued by the state. “DEP stated that during a routine inspection in December, inspectors from the agency’s Southwest Oil and Gas District discovered that CNS’s McQuay to Morris Pipeline and the Morris Spur Pipeline were not constructed to the standards contained in their Erosion and Sediment Control General Permits. The inspection showed that the pipelines were constructed outside the exact area specified in the permit (limit of disturbance) and in one case a gravel road and a pad for a valve were constructed but not identified in the permit application.”

The fines for these violations are relatively small and become routine with pipeline companies.

- G-150, Dominion Transmission — Dominion’s West Virginia G-150 eight-inch pipeline and two others received multiple violations for slope/right-of-way failures resulting in damages to numerous streams beginning in 2012.

The company ignored notices from the West Virginia Department of Environmental Protection for more than a year before they finally responded, and then failed to file remediation plans in a timely manner.

(An) article lays out a grim statement on Dominion’s lack of response to early notices, and the subsequent incomplete responses. The eight-inch pipeline was exposed on the surface in several locations.

These violations are a stark example of Dominion’s lack of commitment to best practices for a pipeline less than one-fifth the diameter of the proposed Atlantic Coast Pipeline; a small pipeline constructed on the steep slopes of West Virginia without many of the complications expected from the much larger ACP.

Environmental violations, compressor stations

- Dominion Transmission, multiple sites, Pennsylvania and West Virginia — Records from the Pipeline Hazardous Materials and Safety Administration cite Dominion for multiple safety and regulatory regulations. (A) notice was issued June, 2009.

Operators often fail to perform inspections as required and neglect to note possible safety issues. In this case, PHMSA noted surface rust and pitting on exposed pipeline near the compressor station and storage facilities.

Dominion also failed to provide records to indicate that inspections had been completed on critical areas for five years. Pressure relief valves and related equipment are vital to safe operation of these facilities.

- Dominion Transmission, Fink Kennedy Storage, West Virginia — Again, Dominion is cited for multiple violations at this site from September 2009 through June, 2010. One of the violations was a failure to seal electrical conduit entering a panel inside of the facility.

Records of inspections on safety valves were nonexistent and Dominion failed to provide them. Please note that the Notice of Violations was issued in May, 2014, years after the violations were discovered.

Dominion has a pattern of lengthy response times to violations at their facilities and seems rarely to take corrective actions until violations and orders are issued. These are not the actions of a company committed to safe operation and concern for residents living nearby.

- QEP Field Services Company, 5 compressor stations, Utah — The United States Environmental Protection Agency, in 2012, assessed a \$3.65 million penalty against this company for multiple violations at five compressor stations, including air quality violations, and failure to comply with their permits under the Clean Air Act.

Under the agreement, one of the compressor stations was ordered to be shut down. As part of the agreement, the company agreed to a reduction of pollutants: “(i)n addition, QEPFS will conserve 3.5 million cubic feet of gas each year by replacing the natural gas currently used in its pneumatic instrument controllers with air. This amount of natural gas could heat approximately 50 U.S. households. Also, the reduction in methane emissions (a greenhouse gas that is a component of natural gas) is equivalent to planting more than 300 acres of trees.”

Methane fugitive emissions are commonplace at compressor stations and inspection/oversight is lax.

Compressor station expansions

- Dominion Transmission, multiple states, compressor station expansions — Dominion, under stiff opposition in New York to its New Market Pipeline upgrade project and related plans for several compressor station expansions, was obligated to apply for a special use permit for the Town of Dryden.

Rather than go through the permit process required by ordinance, Dominion simply decided against any expansion at the Borger Compressor station.

From this article: “After a brief meeting earlier this week, the New Market Project team re-examined its construction activities at Borger Station and determined that changes to the project are not required,” Mack wrote in an email statement. “We intend to continue construction of the project as originally designed and as currently permitted, and we will not be requesting any changes.”

Why would Dominion plan unneeded compressor station expansions?

And, just eight months ago, Loudon County was caught off guard by Dominion’s proposal for expansion of a compressor station less than two years old. Additional residential development has occurred in this area since the original compressor station was permitted and residents are understandably concerned.

Also, just two months after completion of the Myersville, Md., compressor station, Dominion applied for expansion to the FERC.

It seems that Dominion is not forthcoming with future plans until after permits for project are approved and infrastructure is built, and once in place, new permits from the FERC are a given, regardless of public outcry.

The preceding lengthy information is offered as a record of the behavior of the natural gas industry and stands as a testament to concerns expressed by Virginia residents along the routes of these pipelines. They are not only valid, but that there is good reason to believe that these companies will do immense damage.

Not only are these pipelines not needed to “keep the lights on,” there will be scant permanent job growth, and little boost to Virginia’s economy. Pipeline construction, even after the lengthy FERC process rarely holds up to the promises made by these companies, and the FERC and Army Corps of Engineers do little to enforce the conditions laid out by these permits. Compressor stations the size of the one proposed in Buckingham County simply should not be located in residential areas, and Dominion has opted out of several advanced technologies available that would alleviate some of the negative impacts, citing costs.

The routes of the ACP and the MVP were chosen for cost savings related to easement purchases and relaxed regulation in sparsely populated areas.

The Virginia DEQ is obligated to look beyond costs to these companies, judging these routes based solely on environmental realities. The majority of the ACP/MVP routes are through terrain unsuitable for a 42-inch, high-pressure pipeline and the damage will be irreparable. The deforestation of thousands of acres for right-of-ways, access roads, and temporary work spaces will leave a lasting impact on the Chesapeake Bay and the decades of efforts to clean up this precious Virginia resource.

And certainly, the Virginia DEQ will realize after examining applications from these companies that they have little to offer in the way of detailed slope analyses, and stream crossing plans that will avoid permanent damage to environmentally sensitive areas.

Given the predictable actions of the natural gas industry, approval of the ACP or the MVP will surely lead to additional companies following suit and Virginia will be facing additional damage. With a 14 percent guaranteed return from FERC approval, Dominion and EQT will not be the only companies looking to profit off the backs of Virginia citizens.

Virginia residents have taken the time to thoroughly review these projects and ask that the Virginia Department of Environmental Quality do the same. Please reconsider allotted comment periods, and schedule public meeting only after all reports are available for review by residents.

Please do make these comments part of the official records for Virginia DEQ permit review for the ACP and MVP.

Marilyn Shifflett
Nellysford, Va.