



ABRA Update #144 – August 24, 2017

Comments to DEQ Stress Haste, Shortcomings of DEQ 401 Review

Hundreds of very substantive comments were filed by August 22 with the Virginia Department of Environmental Quality (DEQ) regarding whether the agency should issue water quality certificates for the Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines. In a review of many of the submissions, a common theme is prominent: the agency's draft decisions approving certification for the ACP and MVP represent a rush to judgment in the absence of sufficient evidence to justify that conclusion.

Below are excerpts of some of the comments. The complete versions of these and several other representative submissions are [available on the ABRA website](#).

- Appalachian Mountain Advocates (on behalf of Appalachian Voices, Chesapeake Climate Action Network, Dominion Pipeline Monitoring Coalition, Friends of Nelson, Natural Resources Defense Council, Satchidananda Ashram-Yogaville, the Sierra Club, the Virginia Chapter of the Sierra Club, and Wild Virginia)

“For numerous reasons, the Virginia Department of Environmental Quality’s (“DEQ”) draft Certification for the Atlantic Coast Pipeline falls far short of meeting Section 401’s requirements. Fundamentally, DEQ’s 401 analysis is insufficient because it fails to comprehensively consider the Pipeline’s impacts on Virginia’s waters, but instead draws an arbitrary line between impacts associated with construction activities in upland areas and those associated with stream and wetland crossings. Because the Project’s effect on Virginia’s water quality can only be determined by assessing the combined, cumulative effect of those impacts, DEQ’s analysis does not satisfy the Clean Water Act. Even if DEQ’s analysis did not draw this artificial division, however, it would still fail because ACP has not provided adequate information to determine the combined effect of its pipeline construction activities on water quality.”

- Southern Environmental Law Center (on behalf of Shenandoah Valley Network, Highlanders for Responsible Development, Virginia Wilderness Committee, Shenandoah Valley Battlefields Foundation, Natural Resources Defense Council, Potomac Riverkeeper Network, Shenandoah Riverkeeper, Cowpasture River Preservation Association, Friends of Buckingham, Rockbridge Area Conservation Council, Piedmont Environmental Council, James River Association, Virginia Conservation Network, and Dominion Pipeline Monitoring Coalition)

“DEQ has arbitrarily postponed consideration of critical information until *after* this 401 Certification process. The public is therefore denied the opportunity to meaningfully comment on all information relevant to the project’s impacts and the agency lacks sufficient information on which to base a decision. In the most glaring example, DEQ has deferred evaluation of erosion and sediment control and stormwater management plans even while it acknowledges that these plans are “critically important” to protecting water quality in Virginia’s streams, rivers, and wetlands.”

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- Thomas Hadwin (Friends of Central Shenandoah)

“There is time for a thorough water quality permit review. The next power plant that might require additional gas supply in Virginia is proposed for operation in 2025. Nearly 80% of the capacity of the Atlantic Coast Pipeline (ACP) is intended for use in power plants. Growth in electricity demand in Virginia is essentially flat. In their latest 15-year plans, Dominion and Duke have reduced the number of large gas-fired power plants they think they need by 45-50% compared to their estimates the year before.

“If the DEQ took the next two years to issue a permit, it would not affect the timely operation of any of the power plants that have been used to justify this project.”

- Dominion Pipeline Monitoring Coalition

A group of thirteen expert scientists and engineers submitted reports to the Virginia Department of Environmental Quality (DEQ) on August 22, 2017, finding that DEQ has failed in its duty to properly analyze and protect against the water quality damages the Mountain Valley Pipeline and Atlantic Coast Pipeline would cause to Virginia’s waters. In the reports, one issued for each of the pipelines, the authors wrote that they had reviewed the information DEQ claimed to rely upon in its draft Water Quality Certifications (WQCs) and made their own independent assessments. The experts’ conclusion in each case:

“DEQ’s draft WQC, which asserts that there is a “reasonable assurance” that Water Quality Standards (WQS) will be met with the conditions contained in that draft, cannot be supported by the evidence in the record and pertinent scientific authorities and knowledge. Such a finding in the Department’s recommendation to the State Water Control Board (SWCB) would be professionally incompetent and would fail to meet minimum standards of scientific proof.”

Top Management Changes at U.S. Forest Service: Chief Tidwell Retires

Tom Tidwell, Chief of the U.S. Forest Service, announced on August 18 his retirement, effective September 1. Tidwell will be replaced by Tony Tooke, Regional Forester for the Southern Region, which includes the George Washington (GWNF) and Jefferson National Forests. For more on Mr. Tooke, see the article below under Big Picture.

The management changes are particularly relevant because the Forest Service has a major decision pending as to whether the Atlantic Coast Pipeline (ACP) should be permitted to cross the GWNF. Comments on a proposal to amend the Monongahela National Forest and GWNF forest plans to accommodate the ACP are due September 5. For more on this, [see ABRA Update 140](#).

In the News:

Local/Atlantic Coast Pipeline

Court ruling could affect Atlantic Coast Pipeline plan

- The Wilson Times – 8/24/17

<http://www.wilsontimes.com/stories/court-ruling-could-affect-atlantic-coast-pipeline-plans.93310>

The court's decision says that "at a minimum, FERC should have estimated the amount of power-plant carbon emissions the pipeline will make possible."

Related:

- <http://waterkeeper.org/second-circuit-court-of-appeals-affirms-states-power-to-reject-pipelines/>

Highland County mulls offer to review pipeline

- The Recorder – 8/24/17

https://www.abralliance.org/wp-content/uploads/2017/08/Highland_County_mulls_offer_to_review_pipeline-Recorder_20170824.xps.pdf

Elected officials' concerns cast further uncertainty on a project already hampered by multiple delays.

Thousands urge Virginia governor to stop natural-gas pipeline plan

- WTVR6 News – 8/22/17

<http://wtvr.com/2017/08/22/atlantic-coast-pipeline-protest/>

Jamshid Bakhtiari, a coordinator with Chesapeake Climate Action Network, reported that 10,000 public comments about the 401 water certification process were submitted on paper and digitally by Tuesday's deadline.

State asks Dominion to expand survey

- The Recorder – 8/24/17

https://www.abralliance.org/wp-content/uploads/2017/08/State_asks_Dominion_to_expand_survey-Recorder_20170824.pdf

The Virginia Department of Health Office of Environmental Health Services has asked for a sanitary survey of land within at least 1,000 feet on either side of the proposed Atlantic Coast Pipeline centerline.

Anti-Pipeline Groups Hold Third Annual Hands Across our Land Protest

- NBC29 News – 8/19/17

<http://www.nbc29.com/story/36173679/anti-pipeline-groups-hold-third-annual-hands-across-our-land-protest>

Several anti-pipeline groups participated in the third annual Hands Across our Land Protest on August 19. Other anti-pipeline groups hosted similar events on Saturday. There was one held in Loudon County and another in Giles County.

Regional/Mountain Valley Pipeline, other

Virginia pipeline foes eye federal ruling that upholds N.Y. water quality permit denial

- The Roanoke Times – 8/23/17

http://www.roanoke.com/business/news/virginia-pipeline-foes-eye-federal-ruling-that-upholds-n-y/article_561539fe-598d-53d3-80e3-644425a24c17.html

The court's decision, handed down Friday, came while the Virginia Department of Environmental Quality is considering whether to recommend that similar water quality permits be granted for the proposed Mountain Valley Pipeline and Atlantic Coast Pipeline.

Pipeline prospect leaves residents of karst-laden Mt. Tabor Road with a sinking feeling

- The Roanoke Times – 8/20/17

http://www.roanoke.com/business/news/pipeline-prospect-leaves-residents-of-karst-laden-mt-tabor-road/article_2f37959d-4c8f-55e9-b453-ef1d9e473edd.html

The Virginia Cave Board has observed that many Virginia counties with karst landscapes already host natural gas pipelines but also noted that potential hazards are real.

Pressure mounting on Virginia environmental agency to slow down pipeline water certifications

- Richmond Times-Dispatch – 8/19/17

http://www.richmond.com/business/pressure-mounting-on-virginia-environmental-agency-to-slow-down-pipeline/article_b9baad0b-3c9a-578b-8bad-9e7b88d107ee.html

More water violations found on Rover Pipeline construction sites

- Charleston Gazette-Mail – 8/19/17

<http://www.wvgazette.com/news/20170819/more-water-violations-found-on-rover-pipeline-construction-sites>

Rover's inability or refusal to follow the rules should educate and inform Virginia DEQ on ACP and MVP.

Historic “People’s Pipeline Protest” Against McAuliffe in Every DEQ Office Announced

- Blue Virginia – 8/24/17

<http://bluevirginia.us/2017/08/historic-peoples-pipeline-protest-against-mcauliffe-in-every-deq-office-announced>

Focused on stopping the Atlantic Coast and Mountain Valley Pipelines, these historic protests will take place simultaneously on September 12-14 as the McAuliffe Administration contemplates a final decision on whether to approve the pipelines.

Big Picture:

The Climate Post: Grid Reliability Study Released as Climate Change Panel Disbands

- Huffington Post – 8/24/17

http://www.huffingtonpost.com/entry/the-climate-post-grid-reliability-study-released-as-us_599ef43ae4b0a62d0987ad61

Notably absent from the grid study was any mention of climate change, the focus of a 15-member panel disbanded Friday by the Trump administration.

Related:

- <https://www.platts.com/latest-news/electric-power/washington/us-ferc-a-central-player-in-long-awaited-power-26792989>

- https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/08/22/the-energy-202-eclipse-tests-growing-power-of-renewable-energy/599b316a30fb0435b8208f5f/?utm_term=.f61dae8162b9

Court rejects pipeline project on climate concerns

- The Hill – 8/22/17

<http://thehill.com/policy/energy-environment/347469-court-rejects-pipeline-project-on-climate-concerns>

The ruling is significant because it adds to environmentalists’ arguments that analyses under the National Environmental Policy Act — the law governing all environmental reviews of federal decisions — must consider climate change and greenhouse gas emissions.

Tony Tooke appointed U.S. Forest Service chief

- The Spokesman-Review – 8/21/17

<http://www.spokesman.com/blogs/outdoors/2017/aug/21/tony-tooke-appointed-us-forest-service-chief/>

Tooke has worked for the Forest Service since age 18, including many assignments in Region 8 and the Washington Office.

New RGGI plan calls for 30% cut in utility carbon emissions by 2030

- New Hampshire Union Leader – 8/23/17

<http://www.unionleader.com/article/20170824/NEWS05/170829658&source=RSS>

RGGI allows electric utilities to buy and sell carbon “allowances,” that let them emit a certain amount of carbon dioxide into the atmosphere. The allowances are distributed through quarterly auctions, with the proceeds going to participating states.

Switch to Renewables Won’t End the Geopolitics of Energy

- Bloomberg View – 8/21/17

<https://www.bloomberg.com/view/articles/2017-08-21/switch-to-renewables-won-t-end-the-geopolitics-of-energy>

From a geopolitical standpoint, switching to renewables may cause as many problems as it solves.

139 Countries Could Transition to 100% Renewable Energy Under New Plan

- NBC News – 8/23/17

<https://www.nbcnews.com/news/us-news/139-countries-could-transition-100-renewable-energy-under-new-plan-n795086>

A team headed by Stanford’s Mark Z. Jacobson outlined plans for 139 nations to transition to 100 percent clean, renewable energy by the year 2050. The study avoids the use of either fossil fuels or biofuels, which the researchers consider more costly, more polluting and less proven than power generated by wind, water and the sun.

Related:

- <https://www.japantimes.co.jp/opinion/2017/08/24/commentary/world-commentary/chinas-renewable-energy-revolution-well-underway/#.WZ8RsiiGOUk>