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Highland County mulls offer to review pipeline

Area delegates, senators ask: What's the rush to approve?

BY JOHN BRUCE • STAFF WRITER

MONTEREY — Reflecting a growing sense of urgency among local and state elected officials, Highland County supervisors began looking into the proposed Atlantic Coast Pipeline's water pollution safeguards during their Aug. 16 work session.

The board received a draft memorandum of agreement from the Virginia Department of Environmental Quality concerning erosion and sediment control and stormwater management review.

Erosion and sediment control administrator Joshua Simmons is reviewing information from DEQ and is to provide the board with a recommendation, according to county administrator Roberta Lambert. Simmons was in touch with E&S administrators in other counties for guidance.

The citizens group Highlanders for Responsible Development pointed out the DEQ has invited the county to take part in the review process, after state legislators urged an in-depth environmental review focusing on water resources.

"The gist of our request is to ask harder questions of the DEQ," HRD president Lou Freeman told the board. Dominion has provided inadequate information so far. For instance, HRD knows of no stormwater management plan for the project, he said.

"Dominion says they won't alter storm- water patterns in Highland County," Freeman said. "We disagree."

Freeman explained the county should have better information than what has been provided. By entering into an agreement with the DEQ, supervisors have an opportunity to provide more input.

HRD's letter to the supervisors stated, "We understand that the (DEQ) has proposed a memorandum of agreement in which the DEQ offers Highland County an opportunity to review and comment on site-specific erosion and sediment control and stormwater plans for construction

of the proposed (ACP). (HRD) is concerned that the plans provided for review through the DEQ's website do not provide the actual site-specific details that are required to support informed review on the part of Highland County officials or citizens.

"Therefore, before considering the proposed agreement, we request that Highland County supervisors ask the DEQ to provide access to complete erosion and sediment control plans and stormwater management plans for those sections of the ACP pipeline corridor and access road system that are in the county. We have identified significant deficiencies" in erosion and sediment control plans, stormwater management plans and high-risk area management, the letter said.

"The information provided is deficient with respect to both detail and completeness," the letter continued. "The alignment sheets are relatively low resolution compared to what is typical for erosion and sediment control plans, and site-specific information concerning structural controls is mainly limited to locations of slope breakers and perimeter silt barriers. It seems that no information has been provided concerning the location and use of sediment and runoff retention basins. The alignment sheets depicting erosion and sediment control for access roads provide even less resolution and similarly lack details concerning structural controls ... We have not been able to locate actual stormwater management plans for the ACP, including site-specific calculations for changes in runoff quantity during construction or comparisons of pre- and post-construction runoff. Instead, Dominion argues that runoff characteristics of pipeline and access road construction areas will not be changed by the construction and therefore stormwater management plans are not required.

"Although Dominion suggests that the DEQ has accepted this argument, it should be questioned given the scale of excavation that will be required, the steep and difficult terrain that will be encountered, and the changes in topography, permeability, and drainage patterns that will occur ... Complete information concerning control measures for areas where construction will occur on long-steep slopes has not been provided as part of either erosion and sediment control plans or stormwater management plans. Instead, provision and review of site-specific control measures for these high-risk areas has been deferred until future development and implementation of Dominion's Best in Class program. The Best in Class program will apparently apply for over half the length of pipeline corridor and access roads in Highland County. Large-scale construction on long steep slopes presents a significant risk to surface and groundwater. Timely access to detailed site-specific plans for construction in these extreme locations is essential for meaningful review and comment.

"We note that detailed site-specific plans have been provided for a one-tenth mile segment of the proposed ACP corridor in Highland County on National Forest land in the Townsend Draft area. A copy of these plans, which were posted by Dominion on the FERC project docket, is attached. Note that these plans include high-resolution depictions of construction and mitigation measures. Highland County officials and citizens deserve an opportunity to review and comment on plans with this level of detail for all of the ACP corridor and access roads in the county."

The letter included an attachment of a letter sent last week by several members of the Virginia General Assembly to Gov. Terry McAuliffe, DEQ Director Paylor and Robert Dunn, Chair of the State Water Control Board, urging a delay in the commonwealth's review of the ACP water certification.

State lawmakers weigh in

"Why the rush?" was the question posed in an Aug. 7 letter from Del. Dickie Bell's office, on behalf of a caucus of western Virginia members of the General Assembly representing the headwaters of the Chesapeake Bay.

State Senators Emmett Hangar, Creigh Deeds and Del. Sam Rasoul co-signed the letter pressing for tighter scrutiny of water resource impacts than proposed.

"Our districts are in the paths of the two proposed 42-inch high pressure natural gas transmission lines, the Mountain Valley Pipeline and the Atlantic Coast Pipeline. We know that there are many views on this subject, however, we encourage careful consideration of the impacts of these proposed projects on our vibrant rural communities and our state's water supplies," the letter states.

"Therefore, we write to urge the commonwealth to use the full scope of its authority to assess the impacts of the Mountain Valley and Atlantic Coast pipelines with particular emphasis on all aspects of the impacts of these pipelines on our state's water supplies. Our constituents are counting on the Department of Environmental Quality and the State Water Control Board to conduct a thorough and transparent review of stream and wetland crossings, as well as all upland activities, and ensure that Virginia water quality standards are met," they said.

"Specifically, we request that DEQ require individual 401 certifications for wetland and stream crossings, rather than relying on the Army Corps of Engineers' Nationwide Permit 12, as is currently proposed by DEQ. In addition, DEQ should decline to move forward with the scheduled public comment period or the Section 401 certification until the pipeline developers have provided all information necessary for thorough DEQ review," the lawmakers said. "Further, we respectfully request that the timetable for the public comment periods and hearings be pushed back to give you and the public time to properly review and comment meaningfully and transparently on all information relevant to the 401 certification, including impacts to each stream and each wetland crossing and for all erosion and sediment control and stormwater management plans.

"As you know, Virginia has broad authority to conduct its own analysis under Section 401 of the Clean Water Act. These enormous infrastructure projects would cross hundreds of sensitive waterways, including streams and rivers in some of the steepest terrain in the eastern United States. Both pipelines pose some of the most significant threats to Virginia's water quality and aquatic environment in decades. The pipelines would also cross thousands of sensitive waterways, and pipeline construction on the very steep slopes that characterize our region will increase erosion and sedimentation, seriously threatening water quality.

“Our constituents rely on these waters for recreation, habitat, and the health of our watersheds,” the letter continues. “Analysis of these crossings by DEQ and the board is critical to ensure that water quality and the aquatic environment in Virginia are protected. Such a review would not be redundant with the analysis under NWP 12. The Corps will not conduct site-specific reviews of the more than 1,000 crossings along the pipelines’ routes. When authorizing a project under NWP 12, the Corps must only find that each individual waterbody crossing along the pipeline route will not cause a loss of more than a half-acre of waters of the United States. As DEQ has noted, NWP 12 contains general conditions, including those pertaining to restoration and mitigation. But the Corps will not ensure that those conditions are met before determining that a project can be authorized under NWP 12. That means impacts from activities like instream blasting and trenching in rugged and challenging terrain will not be considered unless DEQ considers them.”

The letter said, “Whether serious impacts such as sedimentation can be mitigated would not be known without such analysis, despite the risk to some of the most pristine waters in Virginia. DEQ can and indeed must fill this gap with its own review of waterbody crossings. We appreciate DEQ’s planned approach to review some of the impacts not covered by NWP 12. This analysis is incredibly important. However, the current limited scope of this review fails to consider river, stream, and wetland crossings. Finally, the timeline proposed by the DEQ is not adequate for the needed review of these pipelines by the commonwealth.

“Why the rush?” they ask. “Protection of Virginia’s streams, rivers, and public and private water supplies is too important to place at risk. DEQ must take the time to ensure it has all necessary information, review that information, give the public an opportunity for thorough review, and then conduct a comprehensive and transparent analysis of critical water crossings and all related upland activities. Such an approach will allow DEQ to fulfill its responsibilities to protect the waterways of Virginia on which (our) constituents rely.”

Elected officials’ concerns cast further uncertainty on a project already hampered by multiple delays. Dominion, partners Duke Energy, Piedmont Natural Gas, and Southern Company Gas have advocated fast-tracking the ACP. They say they need more fossil fuel to meet sharply growing electrical demand, despite official forecasts to the contrary and an administration strongly supporting the coal industry. Coal remains a major fuel source of U.S. power production, per the U.S. Energy Information Administration.

Dominion and its investor-owned partners have expedited a shift from coal to gas, and Dominion soon is expected to begin exporting gas to Asia from a liquefaction facility under construction on Maryland’s western shore.

The proposed 600-mile ACP would cross Bath and Highland counties. The interstate pipeline would transport gas through north-south interconnections from northwest West Virginia to Hampton Roads and southern North Carolina.