



ABRA Update #159 – December 7, 2017

VA State Water Control Board Grants 401 Certification to MVP

The Virginia State Water Control Board approved on December 7 water quality certification for the Mountain Valley Pipeline. The vote was 5-2, with members Roberta Kellam and G. Nissa Dean dissenting. The action came late Tuesday afternoon (December 7). On Monday, nearly 100 persons spoke before the Board. Over 90% of the speakers were in opposition to certification. Modifications to the draft certification document were made, including an amendment that attempts to preserve its right to examine stream crossings at a later date. More on this in next week's *ABRA Update*.

ABRA member organizations were swift to respond:

Southern Environmental Law Center, Greg Buppert, Senior Attorney:

“After hearing from numerous citizens and officials that the Water Board did not have the information it needed to approve the Mountain Valley Pipeline, the Board failed to insist on a thorough, science-based review of this project. Their decision to move this pipeline project forward reflects the political pressure that Governor McAuliffe has put on his agencies to approve gas pipelines before he leaves office. But the Board still has the chance to acknowledge and remedy this broken process by sending plans back to Dominion next week at the Atlantic Coast Pipeline hearings and reversing today’s decision on the Mountain Valley Pipeline. As Virginia’s watchdog for water quality, the Board must ensure that Dominion doesn’t abuse its political power to push through a risky and unnecessary project like the Atlantic Coast Pipeline.”

Chesapeake Climate Action Network, Statement from Mike Tidwell, Executive Director:

“Terry McAuliffe has harmed farmers, consumers, drinking water, and the climate by pushing the Virginia Water Control Board to give final approval today of the Mountain Valley Pipeline. The 301-mile pipeline for fracked gas constitutes a colossal misallocation of resources and will permanently harm the Governor’s economic and environmental legacies.

“Even as the on-the-ground evidence shows guaranteed harm to Virginia’s watersheds, and even as scientists sound the loudest possible warning bells on climate change, the Water Control Board gave the Governor what he asked for: a final build recommendation. This decision paves the way for the literal obliteration of mountain ridgetops, the clear-cutting of forests, and for massive trenching and tunneling across valleys for a pipeline that is not even needed and that serves only to enrich energy companies while hurting ratepayers.

“Governor McAuliffe made construction of the MVP pipeline a top priority of his term and his administration testified vigorously in support of the pipeline during the Water Board’s final two-day hearing this week.

Keep up with new developments by visiting and liking us on [Facebook](#).

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

“Our hope is that the Water Board, next week, will ignore the Governor’s similarly misguided support of a second gas pipeline – the Atlantic Coast Pipeline favored by controversial political donor Dominion Energy – when the Board votes on that pipeline next Tuesday.”

Appalachian Voices, Tom Cormons, Executive Director:

“We are thoroughly disappointed by the board’s decision. Thousands voiced their opposition to this pipeline based on evidence that it cannot be built without violating the federal Clean Water Act and the board’s obligation under Virginia law. DEQ created a rushed, haphazard process, limited the scope of the board’s review, and abdicated the state’s authority to the Corps of Engineers for oversight of pipeline construction at almost 400 water crossings.

“We applaud the efforts of several members who expressed concern that the draft permit would not provide reasonable assurance, as required by law, that water quality would be protected, and particularly we applaud members Nissa Dean and Roberta Kellam who cast the two dissenting votes.

“The board should have rejected the permit today because they lacked enough information to make a reasoned decision. Instead, it approved an utterly deficient permit.

“The record demonstrates this project would ultimately violate the law. We are considering all options and expect the outcome will be determined in the courts. If the company breaks ground on the project, citizens along the entire route are prepared to watchdog every action, along every mile, every day of construction and afterwards, and compel agencies to act when violations inevitably occur.

“Next week, the board will be presented with an equally deficient permit for the proposed Atlantic Coast Pipeline, and should exercise its full authority to reject the permit.”

What to Say to the State Water Control Board About the ACP

ABRA has prepared a two-page document to aid those who will be presenting comments next Monday before the Virginia State Water Control Board as it considers whether to grant certification under Section 401 of the Clean Water Act to the Atlantic Coast Pipeline. The guidance document, which is based on the October 25 letter from the Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation to the Virginia State Water Control Board), is available [here](#).

As previously reported in *ABRA Update*, the Board is scheduled will meet on December 11 and 12 regarding the Atlantic Coast Pipeline certification. Both meetings begin at 9:30 am at the Trinity Family Life Center, 3601 Dill Road, Richmond, VA. The first-day agenda calls for a summary presentation by staff of comments made during the public comment period and hearings, followed by an opportunity for those who commented at the public hearings or filed comments during the public comment period to respond to the staff summary. Board consideration of the pending applications are slated to occur on the second day (December 12). Three-minute time limits will be imposed on those making comments, though it is possible for eligible commenters to sign-up and allot their time to another speaker.

It is very important that a strong turnout of opposition comments to certification for the ACP be made next Monday. Make your voice count by showing up in Richmond next Monday!

In the News:

Local/Atlantic Coast Pipeline

Atlantic Coast Pipeline blows another deadline as NC officials seek more info

- The News & observer – 12/6/17

<http://www.newsobserver.com/news/business/article188447384.html>

The N.C. Department of Environmental Quality sent the pipeline's developers a request for more information on Monday, saying the request indefinitely suspends the Dec. 15 deadline to issue an air-quality permit for a planned compressor station that will push the natural gas downstream through the underground pipeline.

Pipeline opponents urge state board to deny water quality permit 'without prejudice.' Can it do that?

- Richmond Times-Dispatch – 12/6/17

http://www.richmond.com/business/pipeline-opponents-urge-state-board-to-to-deny-water-quality/article_727ebc71-bd42-5f59-b1c8-d03b7635b999.html

The meetings this week and next are the climax of years of planning, permitting and protesting for the pair of natural gas pipeline projects, at least as far as Virginia's say in whether they go forward.

DEP waives 401 Water Quality Certification for ACP

- Pocahontas Times – 12/6/17

<https://pocahontastimes.com/dep-waives-401-water-quality-certification-for-acp/>

Related:

- <http://www.newsobserver.com/news/business/article188423434.html>

On hush-hush, feds OK Augusta Co. request

- The Recorder – 12/7/17

https://www.abralliance.org/wp-content/uploads/2017/12/FERC_grants_Augusta_County_request_for_consulting_party_status-Recorder_20171207.pdf

Water Testing Begins Along Gas Pipeline Route

- NBC29 News – 12/5/17

<http://www.nbc29.com/story/36996515/water-testing-begins-along-gas-pipeline-route>

The purpose of the testing is to document how clean the residents' drinking water is to allow a comparison to any later contamination from activities related to the pipeline's construction or operation.

Regional/Mountain Valley Pipeline, other

Pipeline project wins approval to cross Jefferson National Forest

- The Roanoke Times – 12/1/17

http://www.roanoke.com/news/local/montgomery_county/pipeline-project-wins-approval-to-cross-jefferson-national-forest/article_bc80723e-e37f-5c10-afb3-1194383c2c36.html

Landowners want dismissal of Mountain Valley Pipeline property case

- WV Metro News – 12/6/17

<http://wvmetronews.com/2017/12/06/landowners-want-dismissal-of-mountain-valley-pipeline-property-case/>

Property owners who are being sued by the Mountain Valley Pipeline have moved to have the federal case dismissed, saying the developers don't have the proper authority.

Hundreds of anti-pipeline Virginians surround State Capitol

- Augusta Free Press – 12/2/17

<http://augustafreepress.com/hundreds-anti-pipeline-virginians-surround-state-capitol/>

Related:

- http://www.roanoke.com/news/local/floyd_county/hundreds-protest-pipelines-at-virginia-state-capitol/article_8417a351-e839-546a-a518-d8216f414b9a.html

Pipe Dreams: Economic & Jobs Myths of Natural Gas Pipelines

- Natural Resources Defense Council – 12/5/17

<https://www.nrdc.org/experts/amy-mall/pipe-dreams-economic-jobs-myths-natural-gas-pipelines>

An analysis from Tufts economists concludes: “There is no clear support for the claim that the ACP would lead to additional opportunities for new manufacturing in the region, and this is likely the case for other new natural gas pipelines such as the Mountain Valley Pipeline.”

Report:

- https://www.nrdc.org/sites/default/files/atlantic-coast-pipeline-economics-and-manufacturing-jobs_2017-12-5.pdf

After two years of defending rate freeze, Dominion says it's 'time to transition away' from controversial 2015 law

- Richmond Times-Dispatch – 12/4/17

http://www.richmond.com/news/after-two-years-of-defending-rate-freeze-dominion-says-it/article_f92bfb61-oedo-5675-b103-8a95181c9e5b.html

Says recent carbon limit legislation provides “clarity” to future planning, potentially making rate freeze ‘unnecessary’.

With crucial Virginia pipeline votes looming, Northam stays out of water-quality debate

- Richmond Times-Dispatch – 12/3/17

http://www.richmond.com/business/with-crucial-virginia-pipeline-votes-looming-northam-stays-out-of/article_d82da4c2-1287-5354-b265-e2e6a8f3f91b.html

Big Picture:

Trump officials examining states' authority in pipeline delays

- Houston Chronicle – 12/7/17

<http://www.houstonchronicle.com/business/article/Trump-officials-examining-states-authority-in-12413291.php>

The Trump administration is examining ways to get around state roadblocks that have made it increasingly difficult to build in certain parts of the United States.

FERC Returns to Full Strength and Faces Key Decisions

- Natural Resources Defense Council – 12/7/17

<https://www.nrdc.org/experts/john-moore/ferc-returns-full-strength-and-faces-key-decisions>

After months of delay, Kevin McIntyre was sworn in today as the newest chairman of the Federal Energy Regulatory Commission (FERC).

Leaked PowerPoint Reveals The Gas Industry's Playbook For Waging Pipeline Fights

- Huffington Post – 12/5/17

https://www.huffingtonpost.com/entry/your-energy-pipelines_us_5a25a649e4b03c44072fa1do

N.J. environmentalists use new legal strategy to fight pipelines

- NJ.com – 12/3/17

http://www.nj.com/news/index.ssf/2017/12/nj_environmental_groups_sue_feds_over_ eminent_doma.html

The New Jersey Conservation Foundation has sued the Federal Energy Regulatory Commission on the grounds that the agency's use of eminent domain to take over land for the construction of interstate natural gas pipelines is often unconstitutional.

Explained: Donald Trump's 'attack' on the environment

- Al Jazeera – 12/7/17

<http://www.aljazeera.com/news/2017/12/explained-donald-trump-attack-environment-171203184502851.html>

Al Jazeera examines the Trump administration's environmental policies, what appointments the president has made on the environmental file and how local and state-level governments across the US have responded.

The most accurate climate change models predict the most alarming consequences, study finds

- The Washington Post – 12/6/17

https://www.washingtonpost.com/news/energy-environment/wp/2017/12/06/the-most-accurate-climate-change-models-predict-the-most-alarming-consequences-study-claims/?utm_term=.b023054318ec

Robert Thorson: Moody's Puts Price On Climate Change

- Hartford Courant – 12/7/17

<http://www.courant.com/opinion/op-ed/hc-op-thorson-taking-floodplains-seriously-1207-20171206-column.html>

Many hope their fight against the project will spur similar protests targeting pipelines across the United States and Canada, particularly those routed near Native American land