



ABRA Update #160 – December 14, 2017

VA Water Control Board Conditionally Approves ACP

The conditional approval of a water quality certificate for the Atlantic Coast Pipeline (ACP) by the Virginia State Water Control Board on Tuesday afternoon, December 12, capped a two-day meeting that varied from moment to moment between serious presentations and deliberations and utter confusion exhibited by the staff of the Department of Environmental Quality. For those persons present for the proceedings, it was a regulatory roller coaster ride.

The Board agreed by a 4-3 vote to approve certifying the ACP under Section 401 of the Clean Water Act, subject to the completion of several outstanding plans yet to be submitted in final form by the applicant. The final language of the Board's action has at this writing not been posted on the DEQ webpage for the ACP project. But, according to information available at the meeting, the following appears to be the relevant operative language in the motion adopted by the Board:

“This certificate shall be effective only following submission, review, and final approval as required by law of the Karst Mitigation Plan, Annual Standards and Specifications, Stormwater Plans, and Erosion and Sediment Control Plans, and a report to the Board and the public by DEQ on the adequacy of these materials. The Board may consider further actions on the Certification following the review of the DEQ report.”

DEQ staff has indicated that the required reports may not be completed and submitted for review until March or April 2018. Staff has also said that construction cannot begin “until the final erosion and sediment control plans are approved.” Further analysis of the State Water Control Board decision is being conducted and will be reported on in forthcoming issues of *ABRA Update*.

MVP Certification Decision Challenged in Court

Following last week's decision by the Virginia State Water Control Board to grant Section 401 water quality certification for the Mountain Valley Pipeline, a group of ABRA members filed suit against the Water Control Board and the Department of Environmental Quality. The [Petition for Review](#) was filed with the U.S. Court of Appeals for the Fourth Circuit (Richmond) by the Sierra Club, Appalachians Voices, Chesapeake Climate Action Network and Wild Virginia, represented by Appalachian Mountain Advocates. Initial briefs are to be filed next month.

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WV to Hold Hearings on Stormwater, E&S Permits for ACP

The West Virginia Department of Environmental Protection has announced public hearings later next week to consider stormwater and sediment control permits for the Atlantic Coast Pipeline. The hearings will be on December 18 in Buckhannon and December 21 in Dunmore. Written comments may be filed by December 31. Further details [here](#).

Governor-Elect Northam Announces Key Appointments

Virginia Governor-Elect Ralph Northam announced December 14 his appointments for two key members of his cabinet: Secretary of Natural Resources and Secretary of Agriculture and Forestry:

Matt Strickler, Secretary of Natural Resources – Matt Strickler serves as Senior Policy Advisor to the House Committee on Natural Resources under Democratic Ranking Member Raúl Grijalva (AZ-3). His portfolio includes fisheries, oceans, wildlife, and coastal policy, as well as related energy and public lands issues. He also handles matters related to The National Environmental Policy Act (NEPA). Originally from Lexington, Va., Matt graduated from Washington and Lee University and holds master’s degrees in public policy and marine science from the College of William and Mary and the Virginia Institute of Marine Science. He was a Knauss Marine Policy Fellow in NOAA’s Office of International Affairs in 2007, and worked on U.S. Senator Mark Warner’s successful 2008 campaign. Immediately prior to joining the Committee in 2012, Matt worked in the Virginia General Assembly as a legislative assistant to then-state Senator Ralph Northam.

Bettina Ring, Secretary of Agriculture and Forestry – Bettina Ring was appointed State Forester by Governor Terry McAuliffe in 2014. Prior to that, Ms. Ring served as Senior Vice President of Family Forests at the American Forest Foundation where she was responsible for overseeing the American Tree Farm System®, the largest and oldest sustainable woodland program in America, supporting more than 80,000 family forest owners collectively managing 27 million acres of certified woodlands. Ms. Ring has a long history in the conservation and forestry sectors, having spent 14 years at the Virginia Department of Forestry, departing the agency in 2001 as Deputy State Forester. In her role, Ms. Ring was responsible for operations, and helped to develop and implement a new mission, vision and strategic plan for the department. In the years following her Department of Forestry service, Ms. Ring held various leadership positions within nonprofit organizations focusing on natural resources management and conservation, including the Colorado Coalition of Land Trusts, The Wilderness Land Trust and the Bay Area Open Space Council. Ring holds a Bachelor’s degree in Forestry and Wildlife from Virginia Tech and a Master’s degree in Business Administration from James Madison University.

In the News:

Local/Atlantic Coast Pipeline

Virginia agency takes unexpected step that could delay gas pipeline project

- The Washington Post – 12/12/17

https://www.washingtonpost.com/local/virginia-politics/virginia-agency-takes-unexpected-step-that-could-delay-gas-pipeline-project/2017/12/12/53895450-deb6-11e7-8679-a9728984779c_story.html?utm_term=.4645e124a5d2

“Conditional approval” requires sediment and erosion control, storm water and karst studies to be completed before certification takes effect. Those studies are currently expected to be completed in March or April.

Related:

- http://www.richmond.com/business/local/state-board-approves-water-certification-for-dominion-s-pipeline-but/article_398e79ba-1736-5823-a9e5-098f796a2dae.html

- <http://baconsrebellion.com/acp-foes-supporters-contend-acp-environmental-hearing/>

Atlantic Coast Pipeline receives key regulatory approval from National Park Service

- Augusta Free Press – 12/14/17

<http://augustafreepress.com/atlantic-coast-pipeline-receives-key-regulatory-approval-national-park-service/>

Lopez and Rasoul: Pipeline not worth cost to Virginians

- The Roanoke Times - 12/11/17

http://www.roanoke.com/opinion/commentary/lopez-and-rasoul-pipeline-not-worth-cost-to-virginians/article_ffd864e5-0114-5278-b0e0-e7e2cc09b8ba.html

Discusses the likelihood that ACP will bring only higher costs to Virginians

West Virginia sets two public hearings on ACP

- Kallanish Energy – 12/11/17

<http://www.kallanishenergy.com/2017/12/11/west-virginia-sets-two-public-hearings-on-acp/>

Atlantic Coast Pipeline starts suing NC landowners as construction schedule looms

- The News Observer – 12/7/17

<http://www.newsobserver.com/news/business/article188621189.html>

Atlantic Coast Pipeline Inks Labor Contracts

- Bacon's Rebellion – 12/8/17

<http://baconsrebellion.com/41486-2/>

Regional/Mountain Valley Pipeline, other

State water board sued over decision to allow Mountain Valley Pipeline

- The Roanoke Times – 12/8/17

http://www.roanoke.com/news/local/franklin_county/state-water-board-sued-over-decision-to-allow-mountain-valley/article_c7143af8-235c-5124-99c1-5051f3abdd3f.html

Four conservation groups filed a petition Friday asking the 4th U.S. Circuit Court of Appeals to overturn the State Water Control Board's water-quality certification that would allow plans for the Mountain Valley Pipeline to move forward.

FERC delays action on whether to reconsider approval of Mountain Valley Pipeline

- The Roanoke Times – 12/13/17

http://www.roanoke.com/news/local/franklin_county/ferc-delays-action-on-whether-to-reconsider-approval-of-mountain/article_b260053d-5026-508d-9c0e-b5db074f69ff.html

As opponents of the Mountain Valley Pipeline had predicted, the Federal Energy Regulatory Commission issued what's called a "tolling order."

Judge narrows lawsuit over efforts to take private land for Mountain Valley Pipeline

- The Roanoke Times – 12/12/17

http://www.roanoke.com/business/judge-narrows-lawsuit-over-efforts-to-take-private-land-for/article_d1d0aea9-442f-5ea9-b7fc-bf731973e25b.html

The one count that Dillon did not dismiss asserts that Mountain Valley took property and data from landowners during a surveying process used to map the pipeline's route.

Fayette commissioners want pipeline lawsuit to be tossed

- WV Metro News – 12/12/17

<http://wvmetronews.com/2017/12/12/fayette-commissioners-want-pipeline-lawsuit-to-be-tossed/>

The pipeline developers dispute the Fayette commissioners' decision to deny a rezoning application to build one of three compressor stations along the pipeline route.

Belleville and Santucci: Northam should intervene on pipeline

- The Roanoke Times – 12/12/17

http://www.roanoke.com/opinion/commentary/belleville-and-santucci-northam-should-intervene-on-pipeline/article_69d40145-89db-5a76-8007-90c125d2b15c.html

Ralph Northam's major victory in November gives the new governor-elect wide latitude to take a fresh look at Virginia's economic, environmental and energy policies.

Big Picture:

Rick Perry Gives FERC Reprieve Over Coal & Nuclear Bailout Amidst Allegations Of Undue Coal Industry Influence

- Clean Technica – 12/12/17

<https://cleantechnica.com/2017/12/12/rick-perry-gives-ferc-reprieve-coal-nuclear-bailout-amidst-allegations-undue-coal-industry-influence/>

US Energy Secretary Rick Perry has granted the country's Federal Energy Regulatory Commission 30 more days to review his proposal to bail out the coal and nuclear industry's at the same time that The Washington Post has obtained material that shows Perry may be acting at the behest of the coal industry.

Scott Pruitt and a crew of EPA aides just spent four days in Morocco promoting natural gas

- The Washington Post – 12/13/17

https://www.washingtonpost.com/news/energy-environment/wp/2017/12/13/scott-pruitt-and-a-crew-of-epa-aides-just-spent-four-days-in-morocco-promoting-natural-gas/?hpid=hp_regional-hp-cards_rhp-card-business-technology%3Ahomepage%2Fcard&utm_term=.d397cbo34cdc

The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission

Rover pipeline drawing attention for wrong reasons

- CantonRep – 12/11/17

<http://www.cantonrep.com/news/20171211/rover-pipeline-drawing-attention-for-wrong-reasons>

In the first 10 months of its construction, the \$4.2 billion, 713-mile interstate Rover natural gas pipeline has racked up more than 20 environmental violations and been the target of lawsuits by rural landowners and the state's attorney general.

Arctic Temperatures are Rising So Fast, They're Confusing the Hell Out of Computers

- Mental Floss – 12/14/17

<http://mentalfloss.com/article/521061/climate-change-moving-so-fast-northern-alaska-its-confusing-computers>

Trump's regulators: Eager servants of oil and gas, at our expense

- Salon – 12/14/17

<https://www.salon.com/2017/12/14/trumps-regulators-eager-servants-of-oil-and-gas-at-our-expense/>

A Hand Writing on the Wall for Natural Gas

- Clean Technica – 12/12/17

<https://cleantechnica.com/2017/12/12/hand-writing-wall-natural-gas/>

World Bank to end financial support for oil and gas extraction

- The Guardian – 12/12/17

<https://www.theguardian.com/business/2017/dec/12/uk-banks-join-multinationals-pledge-come-clean-climate-change-risks-mark-carney>

Related:

- <https://news.vice.com/story/world-bank-and-axa-insurance-slash-billions-of-dollars-in-fossil-fuel-investments>