

ADVOCACY

Atlantic Coast opponents plan Pipeline CSI to map violations

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A new surveillance project would use citizen volunteers to watch for environmental compliance violations during construction of the Atlantic Coast pipeline. The group behind it is concerned that steep slopes make the project especially vulnerable to erosion and water quality problems. Jenny Mandel/E&E News

After years of fighting plans for the Atlantic Coast pipeline to run through Virginia and West Virginia, opponents of the natural gas project are preparing for a new phase of opposition if construction starts this spring: bird-dogging environmental compliance with volunteer observers up and down the route.

Last week, the Allegheny-Blue Ridge Alliance announced the Pipeline Compliance Surveillance Initiative (Pipeline CSI) as "a citizen initiative to monitor construction activities of the Atlantic Coast Pipeline."

"Right now, we propose to partner with the agencies" responsible for overseeing construction, said Rick Webb, ABRA's coordinator for the new effort. "We recognize that they don't have the kind of staff and resources that we have as concerned citizens, but we are going to try and fill in the gap."

ABRA aims to organize an army of hundreds of opponents, on foot and in small planes, to monitor for construction problems and report them to the authorities.

The group, a coalition of more than 50 state, local and regional groups that oppose the Atlantic Coast pipeline, has fought the project in permitting procedures before the Federal Energy Regulatory Commission and with the state agencies in charge of water quality permits. Their engagement has likely slowed development of the \$5.1 billion, 600-mile pipeline, backed by Dominion Energy Inc., Duke Energy Corp. and others. It is designed to carry natural gas from shale fields in the Marcellus and Utica formations from points in West Virginia, through Virginia and into North Carolina.

The pipeline has faced a slew of lawsuits from environmental groups and landowners along its route. Just this week, a coalition of groups filed a lawsuit targeting FERC's October decision to greenlight the pipeline. Other ongoing challenges take aim at state permits, eminent domain processes, the National Park Service's approval of a right of way for the project, and the Fish and Wildlife Service's review of potential impacts to protected species.

As those legal challenges have progressed slowly through the court system, though, the project has racked up approvals from a growing list of federal and state agencies, and has nearly reached the permitting finish line that will allow construction to go forward ([Energywire](#), Jan. 29).



The project targets a mountainous 225-mile section of the Atlantic Coast pipeline, seen here in light blue.
 Claudine Hellmuth/E&E News

Many of ABRA's members worry that weaknesses they saw in the permitting process will carry forward to construction oversight.

"It's a matter of resources and political will," said Webb. "There's no question that Dominion Energy is the principal political power in the state of Virginia, and the allegiance of our Legislature, up until now, has been to Dominion first and to the citizens and environment second."

Under the program, ABRA will focus on a 225-mile segment of the Atlantic Coast pipeline route that passes through mountainous, geologically challenging terrain in Virginia and West Virginia. Webb believes that there is no precedent in the country for a pipeline as big as the Atlantic Coast project's 42-inch diameter to be laid along a path that offers such challenges from steep slope and a geologic tendency for sinkholes and rock slips.

So far, he says, ABRA has coordinated technical and other support in the permitting fight, providing expertise on stormwater management, erosion and sediment control, geotechnical issues, fisheries, and water quality. Working with allies like Trout

Unlimited and the West Virginia Rivers Coalition, it is mapping the route in detail to identify critical areas where they see a likelihood of problems because conditions, in his eyes, exceed the standard in proven control technologies.

ABRA is also working with SouthWings, a regional organization with the tag line "conservation through aviation" that uses volunteer pilots to conduct aerial reconnaissance. SouthWings has worked on Chesapeake Bay imaging and mountaintop-removal mining, and will be helping ABRA with surveillance along the pipeline route that can serve as a baseline for environmental quality pre-construction, as well as assist in identifying what kinds of challenges exist at various points along the route. Webb said some of the work done so far has been foundation-funded, but many of the volunteers are, like himself, retirees with ecological, engineering or other relevant backgrounds. The site survey work they've done goes into more detail than what the regulatory agencies have looked at, he said, and far exceeds what the developers have made public.

Not a replacement for regulators

The Atlantic Coast pipeline's developers recently got clearance from FERC to conduct limited tree-felling along the pipeline route that has to be completed before spring to comply with environmental laws, based on the permits they already have.

Lewis Freeman, ABRA's executive director, said that if Dominion is able to complete additional permitting in time, April marks the start of the season when construction could start in earnest.

By then, Freeman expects to have volunteers trained to monitor the company's work crews. Beyond technical data like water and air quality, he expects the project to watch out for problems with road and traffic problems in small communities where work activities are taking place, issues that counties highlighted as a particular concern. Volunteer training will stress the need to avoid trespassing and respect landowner access permission, he added.

"We're not trying to set ourselves up to replace the role that government agencies have, but to supplement that because we do not believe they have the resources required," Freeman said. "And we do not have confidence based on the record so far that led to the decision [to approve the pipeline] that they will do a thorough enough job."

Freeman said ABRA met with officials from the West Virginia Department of Environmental Protection last week. The state is gearing up for oversight of the Mountain Valley pipeline at the same time as construction on the Atlantic Coast pipeline goes forward, and has several other major pipeline projects in various stages of development, as well. Freeman said the agency has six to eight inspectors who cover a range of issues and plans to hire two additional inspectors just for pipelines, but cannot be sure that will be enough staff.

The DEP officials showed no sign of hostility toward ABRA or its plan to aggressively monitor the pipeline, Freeman said. "They were very positive not only about working with us and receiving our information, but about having a further dialogue" about the project. He said he plans to seek similar meetings with officials in Virginia and the U.S. Forest Service.

A spokesman for Dominion did not respond to questions for this story.

Citizen input

A representative of the Virginia Department of Environmental Quality said she had just learned of the citizen surveillance program last week, and that it comes at a good time, as the agency is pivoting from a focus on permitting toward construction oversight.

"We haven't moved into establishing any kind of process with citizen groups, and that is on our radar screen because we know that we've got individual citizens as well as environmental groups who are

concerned about this phase of the project," said Ann Regn, the agency's manager of public information and outreach.

She said state officials have not fielded a meeting request from ABRA but would be happy to meet with it.

Historically, Regn said, utility projects like the Atlantic Coast pipeline have relied on the developer to self-report environmental problems. "It's self-inspection, the utility projects. Whether it's DDOT [the District Department of Transportation] or Dominion or whoever, they have to keep records themselves and then make them available whenever there are complaints," she said.

But the agency knows the coming pipeline projects will be different and expects that it will have to hire inspectors to oversee the work.

Regn said she wasn't aware of a precedent for large-scale involvement by volunteer monitors, but that the agency works with some citizens who've been trained in water-quality monitoring.

"It's a new request, but it seems to make sense that we would want to incorporate their interest into something positive, or as positive as it could be," she said of the new project. "We can use their data as a red flag, or to help identify where there might be potential problems, but as far as real compliance and enforcement, we have to verify that information. So we do have different levels of data when it comes to citizen monitoring."

What the Pipeline CSI program is planning is on a different scale from other efforts by concerned citizens, but Regn said the new program fits into the regulator's responsibilities. "If you were an average citizen and you saw something going on as you drove down the road and you reported it, we'd go investigate it."

Reporter Ellen M. Gilmer contributed.

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