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Initiative closely follows pipeline projects

March 07, 2018

BY JOHN BRUCE • STAFF WRITER



The Pipeline Compliance Surveillance Initiative conference drew a packed house Saturday. (Recorder photo by John Bruce)

STAUNTON — The newly formed Pipeline Compliance Surveillance Initiative on Saturday, March 3 drew a full house to a hotel conference room in an event sponsored by the Allegheny Blue Ridge Alliance.

Appalachian Mountain Advocates Attorney Joe Lovett outlined anti-pipeline legal cases the group has filed. “I think we have a strong shot at stopping or significantly delaying these pipelines,” Lovette said of the proposed Mountain Valley and Atlantic Coast pipelines.



This aerial photo shows a clearcut of Back Creek Mountain for the proposed Atlantic Coast Pipeline. (Courtesy Dominion Pipeline Monitoring Coalition)

Lovette did not see those chances as being as great as they were a year ago, though. “ACP is hellbent on building this pipeline. We have delayed it significantly already. I haven’t seen any lack of resolve on behalf of the pipeline company,” he said.

If the pipeline is built, then it will be important to monitor what happens. That’s where the work of the Pipeline Compliance Surveillance Initiative comes into play.

“That said, I think the monitoring project is really important, not only to make sure Dominion complies with the law, but to make sure anybody else who tries to build a pipeline in this region understands what it’s going to face.”

Lovett said there would be significant litigation if the pipeline companies pollute streams. He said he did not understand how deep trenches could be dug on very steep slopes without violating the Clean Water Act.

The Virginia Department of Environmental Quality has not looked into water quality details adequately and issued certification without knowing about them, according to one of the group’s lawsuits.

Attorney Greg Buppert of the Southern Environmental Law Center pointed out that one of the main challenges has been a lack of opportunity to ask federal regulators questions about Dominion or Duke Energy, the people putting the proposed ACP project forward.

Revealing answers

SELC took the opportunity to ask questions at a Virginia State Corporation Commission, Buppert said, adding, “Some of the answers were really pretty terrific. We asked Dominion if they had studied whether or not they need the pipeline to meet their power obligations. They said no. That was very frank.”



Rick Webb

Greg Buppert

Joe Lovett

Buppert said his group was able to collect evidence on whether the pipeline was needed. “One of the most interesting things we learned at the SCC was Dominion wants to use its capacity on the ACP to run its existing power plants,” Buppert said.

But all of those power plants have contracts from 17 to 20 years. The gas under the existing contracts is less expensive because it’s moving on an older infrastructure. The ACP is a lot more expensive. The question of why the pipeline is needed started coming to light in the last few months with news of the ACP being expanded into South Carolina.

“At the end of the day, this will be a very lucrative project for the company,” Buppert said.

He noted one of the lawsuits is against the U.S. Forest Service. Folks at the local level were committed to asking questions about this project. As late as last May, Forest Manager Clyde Thompson said if USFS can’t get information about steep slopes, then they can’t approve the project.

“Dominion apparently really freaked out. Shortly after that, the forest service changed direction. They issued a draft approval of the project in the middle of the summer last year. They since approved the project and granted the special use permit.

“The result is the record on which the litigation will be based is pretty interesting.

It includes a lot of detailed questions from staff,” including comments such as Thompson’s, and then an abrupt change. “We think that’s the result of political pressure.

“Some people at the forest service have told us that. When we get that record, we think that will be part of the story,” Buppert said.

“We’ve also sued the Fish and Wildlife Service over the biological opinion that allows the project to harm endangered species ... We think there are flaws in the biological opinion that make it vulnerable.” Every other federal permit depends on that opinion, so there would be a ripple effect on all the other federal permits, he said.

Another legal case asks if the Park Service has the legal authority to grant a right of way for the pipeline to drill under the Blue Ridge Parkway. “We think there’s a pretty good argument the Park Service doesn’t have that authority. If we win that case, Dominion would have to go to Congress and have a law passed to allow it to drill,” Buppert said. “That’s what you have to do if you build an interstate gas pipeline in any other national park. You have to go to Congress.”

Mustoe resident Rick Webb of the Dominion Pipeline Monitoring Coalition said he knew from the beginning the project could not be built without extreme damage to water resources. He concluded from the review process it is something akin to tyranny, and, for landowners, “state-sanctioned violence.”

Objectives of the Pipeline Compliance Survey Initiative are to encourage citizens to make sure law is being enforced and provide regulatory agencies with pertinent information. People can sign up as citizen observers, but they should not expect to get close to the work sites, Webb said. Muddy water downstream of the pipeline work will be very likely, he said. The group is trying to recruit experts who can assist in submitting information to regulators. Information collected would be posted on the website.

The pipeline air force, consisting of small planes and drones, will gather high-resolution aerial images. This will be a valuable asset to support enforcement of water resource legal requirements, he said.

High-tech monitoring

Webb reiterated he does not believe there is a technology capable of allowing a pipeline to be built on steep slopes without affecting streams. The group has purchased high-end water monitoring equipment that collects water data and geographic coordinates of collection points.

The pipeline air force is being equipped to recognize problems from the air. Planes are set up for mounting cameras, and drones will be used when there are specific problems or bad weather.

Webb pointed out Valley Center in Highland County is an example of Dominion intentionally routing the proposed pipeline over sensitive karst water supplies. “They’re not even complying with their own plans,” Webb said.

He emphasized the initiative's work would follow the letter of the law. He noted answers are being sought as to national forest and private land access. He encouraged private property owners to give initiative volunteers written permission to access their land.

For information on the initiative, access pipelineupdate.org/csi.