

Gas pipeline watchdogs monitor, collect evidence

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Pipe sections were placed along an ACP right of way trench in Upshur County, W.Va., in this image taken July 15, but erosion and sediment controls were questionable, according to CSI. (Aerial photos courtesy Pipeline Air Force)

BOLAR — Rick Webb of the Pipeline Compliance Surveillance Initiative told about 30 local landowners on Thursday, July 26 that Dominion Energy is moving forward with construction of the proposed Atlantic Coast Pipeline in West Virginia.

Sponsoring the meeting were Cowpasture River Preservation Association, Voices From Bath, and Highlanders for Responsible Development, groups in the Highland/Bath area actively opposed to the pipeline. The groups are also members of the Allegheny-Blue Ridge Alliance, a coalition of over 50 organizations in Virginia and West Virginia that is spearheading opposition to the ACP.

Serious surveillance

The purpose of the presentation was to familiarize attendees with the pipeline monitoring program ABRA developed to monitor the construction of the ACP and ensure strict application of environmental laws and regulations in pipeline construction and operation.

“Before we delve into the CSI program, though, I want to assure you that ABRA and all of its member organizations are continuing vigorous efforts on many fronts to prevent the building of the ACP,” ABRA president Lew Freeman said in prepared opening remarks read in his absence by Richard Brooks of Warm Springs.



A cleared ACP right of way in Pocahontas County, W. Va., lacked timely erosion and sediment controls. They are installed late, leaving disturbed steep ground exposed to uncontrolled runoff should it rain hard before they get around to compliance. An estimated half-mile of significant construction/earth disturbance is routinely done in advance of control installation.

“Yes, construction on the project has begun in West Virginia and just this past Tuesday was authorized to begin in North Carolina. But in Virginia, construction cannot commence until the state’s Department of Environmental Protection, or DEQ, has satisfactorily approved Dominion Energy’s plans for stormwater runoff and for erosion and sedimentation controls for the project.

“This was a condition of the Dec. 12 approval by the State Water Control Board of the ACP’s water quality certificate from the state. Those plans remain under review because – we are told – the submissions to date have been inadequate. It is unclear when that process will be completed.

Further adding to the uncertainty of when construction might begin in Virginia is the request in April by the State Water Control Board's request for citizen input on whether a needed permit by the U.S. Army Corps of Engineers regarding the more than 800 stream crossings the ACP would make in Virginia.



Kirk Bowers, pipeline coordinator for the Sierra Club in Virginia, gave a presentation on the basic understanding of erosion control on July 26 in Bolar. (Recorder photo by John Bruce)

“The board asked for comments from the public on whether the Army Corps permit adequately protects water quality of those stream crossings. The board next meets on Aug. 21. While it is unclear what, if any, action it might take based on the more than 13,000 public comments it received, it is within the power of the State Water Control Board to reconsider or modify the conditions of its earlier approval of the ACP. But, we’re not sitting around waiting for moss to grow,” Freeman said.

“We are in court, on several fronts. Most recently, the Fourth Circuit U.S. Court of Appeals in Richmond has been asked to stay the pending finalization of Virginia’s water quality certification for the ACP, required under Section 401 of the federal Clean Water Act. A motion for a stay was filed on Monday, July 16 by the Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation on behalf of sixteen petitioners, 12 of whom are ABRA members, and two of whom are cosponsors of this meeting: Cowpasture River Preservation Association and Highlanders for Responsible Development,” Freeman said.



The Pipeline Air Force component of the Compliance Surveillance Initiative is intended to assist in regulatory monitoring and enforcement.

Too little, too late

Webb said many water quality safeguards promised by Dominion are ineffective because contractors are installing the controls after construction has begun.

Recent CSI photos of ACP construction in June and July show runoff, erosion and sediment control installation happens after the damage has already been done, rather than before or during construction-related earth disturbance. Delayed installation of runoff and erosion and sediment controls is standard industry practice and a major cause of water resource degradation.

“That’s what we’re going to document,” Webb said of the CSI.

In Virginia, construction begins only after the Department of Environmental Quality signs off on the pipeline company’s water quality plans.

Webb outlined how complaints are made. When a report is submitted, the Pipeline Air Force, consisting of small planes and drones, captures thousands of high-resolution aerial images per flight to support enforcement of water resource legal requirements.

The Pipeline Air Force is equipped to recognize problems from the air with bottom-mounted cameras. Drones are flown when there are specific problems or bad weather. A network of water quality experts assembles the information. Review teams decide exactly what complaint needs to be made and how to document it with the appropriate legal code. Reports are published to make the case permitted conditions are not being followed.

‘Dense’ regulators

Forming partnerships with regulators is another CSI goal, but success has been limited, Webb said. “FERC, of course, is pretty dense,” he said of the Federal Energy Regulatory Commission. The group is compiling Dominion’s weekly status reports to FERC.

People can sign up with CSI 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 has recruited experts who can assist in submitting information to regulators. Information collected is posted on the website. 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. Volunteers can access project regulatory requirements using a mobile app.

Webb has pointed out the Valley Center area in Highland County is an example of Dominion intentionally routing the proposed pipeline over sensitive karst water supplies and trout streams. “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 CSI volunteers written permission to access their land. For information on the initiative, access www.pipelineupdate.org/csi.

Kirk Bowers, pipeline coordinator for the Sierra Club in Virginia, gave a presentation on the basic understanding of erosion control and what is being done to correct problems and protect downstream property owners.

Bowers noted the Mountain Valley Pipeline Watch group, CSI’s counterpart focused on the MVP, has submitted about 150 complaints to the DEQ.

He also said MVP construction continuing into the night, as late as 1:30 a.m., is a big problem for nearby residents.