



ABRA Update #203 – October 25, 2018

ACP Requests Authority to Begin Construction in Virginia

The Federal Energy Regulatory Commission (FERC) has been asked to grant the Atlantic Coast Pipeline (ACP) permission to begin construction in Virginia as the result of the [October 19 approval by the Virginia Department of Environmental Quality of project plans for erosion and sediment control, stormwater management and karst mitigation](#). Dominion Energy Transmission, Inc. (DETI), managing partner for the ACP, also on [October 19 sent to FERC its request for authority to proceed](#). At this writing, agency has not yet acted upon the ACP request.

In its letter to FERC, DETI specifically requested written authorization in a Notice to Proceed commencement of construction in Virginia in the following certified workspaces:

- Spread 5a – Augusta and Nelson Counties (limited to certain “certificated areas”)
- Spread 6 – Nelson, Buckingham, Cumberland, Prince Edward and Nottoway Counties
- Spread 7 – Nottoway, Dinwiddie, Brunswick and Greenville Counties
- Spread 11 – Greenville and South Hampton Counties, and the cities of Suffolk and Chesapeake.

In a separate action [on October 23, FERC granted an earlier request](#) from DETI “to commence construction of all remaining certificated workspaces on Spreads 1-1, 1-2, 2-1, 2-A, and 3A in West Virginia.” Affected areas are those in Harrison, Lewis, Upshur, Randolph and Pocahontas Counties.

SELC Counsels Air Board in Advance of Compressor Station Vote

The Virginia Air Pollution Control Board has the independent authority to determine whether the draft permit for the proposed ACP compressor station in Buckingham County, VA meets the requirements of the federal Clean Air Act and Virginia law, according to an [October 23 letter from the Southern Environmental Law Center \(SELC\) sent to Board members](#). The Air Board is scheduled to take up the proposal at its next regular meeting, [scheduled for November 8 and 9 in Richmond](#).

The SELC letter states:

This Board also has the statutory obligation to consider whether issuance of the permit is *reasonable* and whether the proposed location is *suitable*. If this Board determines that the permit should not be issued, that decision cannot be disturbed by the Federal

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Energy Regulatory Commission (“FERC”). The Natural Gas Act explicitly preserves states’ authority under the Clean Air Act to regulate air pollution and deny permits. 15 U.S.C. § 717b(d)(2). Dominion is eager to convince state officials that control of the project is out of their hands. But Dominion is wrong. Moreover, we strongly disagree with the Administration’s recent suggestion that the Commonwealth does not have independent authority to enforce the Clean Air Act and to consider site suitability when considering this permit.

The Board’s authority to consider environmental justice and to deny the permit is well within the scope of the Board’s authority and is by no means precluded. Virginia law mandates that the Board, when deciding whether to issue any permit, “shall consider facts and circumstances relevant to the reasonableness of the activity involved.”

Leadership Changes at FERC Announced

The Chairman of the Federal Energy Regulatory Commission (FERC), Kevin McIntyre, has stepped down as head of the agency, but will stay on as a Commissioner. Mr. McIntyre’s [October 22 letter of resignation](#) as FERC Chairman said that recent complications to his health necessitated his relinquishing his chairmanship duties. President Trump named on October 24 Commissioner Neil Chatterjee as the new FERC Chairman. Chatterjee, a former energy aide to Senate Majority Leader Mitch McConnell, previously served as Acting Chairman of the Commission until the Senate confirmed the appointment of Mr. McIntyre.

FERC currently has four members. A fifth member has been named by the President, former energy attorney Bernard McNamee. He awaits Senate confirmation. See the [October 4 ABRA Update](#) for more on Mr. McNamee.

Dedication Ceremony for Ona



A dedication ceremony for the 300-year-old maple tree, Ona, took place October 19 on Bill and Lynn Limpert’s property in Little Valley, Bath County, VA. Ona is in the path of the Atlantic Coast Pipeline and is to be cut down, along with many other old growth forest trees on the Limpert property.

In the News:

Local/Atlantic Coast Pipeline

The con at the heart of the Atlantic Coast Pipeline

- Virginia Mercury – 10/25/18

<https://www.virginiamercury.com/2018/10/25/the-con-at-the-heart-of-the-atlantic-coast-pipeline/>

The preponderance of evidence points to Dominion being well on its way to foisting a massive con on its 2.5 million ratepayers, as opponents of the pipeline have warned all along.

Related:

- https://www.richmond.com/opinion/their-opinion/guest-columnists/thomas-f-farrell-column-powering-virginia-s-future-with-clean/article_c2185eb5-959c-5738-aecc-204f3edbd45d.html

Pipeline firm wants federal approval to build in Virginia

- The Recorder – 10/25/18

https://www.abralliance.org/wp-content/uploads/2018/10/Pipeline-firm-wants-federal-approval-to-build-in-Virginia-Recorder_20181025.pdf

There are currently five principal legal challenges to the \$6.5 billion, 600-mile pipeline project.

Virginia regulators grant key approvals to Atlantic Coast pipeline, clearing the way for construction

- The Washington Post – 10/20/18

https://www.washingtonpost.com/local/virginia-politics/virginia-regulators-grant-key-approvals-to-atlantic-coast-pipeline-clearing-the-way-for-construction/2018/10/20/6b6b376e-d465-11e8-8c22-fa2ef74bd6d6_story.html?noredirect=on&utm_term=.8ee265908702

But ACP still has some hurdles to clear, despite the claims of their PR machine.

Community to host its own meeting on proposed Atlantic Coast Pipeline storage yard

- News Leader – 10/24/18

<https://www.newsleader.com/story/news/2018/10/24/community-plans-host-pipeline-meeting/1752926002/>

The Augusta County Board of Zoning Appeals tabled the vote twice on the special-use permit that Dominion needs to move the project forward.

Regional/Mountain Valley Pipeline, other

Mountain Valley Pipeline loses another water-crossing permit

- The Roanoke Times – 10/23/18

https://www.roanoke.com/business/news/mountain-valley-pipeline-loses-another-water-crossing-permit/article_052a4eb7-4bc6-5f76-a307-5c5bee404a81.html

"...it is astounding that the Commission has not yet issued a stop work order..."

FERC's approval for the massive pipeline a year ago was conditioned on Mountain Valley having all of its required permits from other federal agencies, including the Army Corps of Engineers.

U.S. Supreme Court is asked to hear pipeline eminent domain case

- The Roanoke Times – 10/24/18

https://www.roanoke.com/business/news/u-s-supreme-court-is-asked-to-hear-pipeline-eminent/article_483f043a-ce77-5696-aa72-48fb3161273d.html

Virginia's pipeline projects and the aura of inevitability

- Virginia Mercury – 10/18/18

<https://www.virginiamercury.com/2018/10/18/virginias-pipeline-projects-and-the-aura-of-inevitability/>

The Northam administration and DEQ have helped to perpetuate that aura by claiming to have no say, no regulatory power, in the process. That is not correct.

Montgomery County supervisors OK permit for gate station to tap Mountain Valley Pipeline

- The Roanoke Times – 10/22/18

https://www.roanoke.com/news/local/montgomery_county/montgomery-county-supervisors-ok-permit-for-gate-station-to-tap/article_7564bb6d-e5c8-5e67-aa75-8230da77ed3e.html

The board's vote came amid opposition from more than a dozen speakers Monday who linked their objection to the project to environmental concerns and the greater opposition to the Mountain Valley Pipeline.

Big Picture:

Climate Change Is Already Damaging American Democracy

- The Atlantic – 10/24/18

<https://www.theatlantic.com/politics/archive/2018/10/climate-change-damaging-american-democracy/573769/>

Major disasters and challenging long-term weather conditions are weakening local governments, increasing racial and class inequality, and reducing trust in government.

Trump names Chatterjee FERC chair

- Utility Dive – 10/25/18

<https://www.utilitydive.com/news/trump-names-chatterjee-ferc-chair/540532/>

Chatterjee is known to be friendly to administration plans for fossil fuel and nuclear energy subsidies.

The Government Is Trying to Silence 21 Kids Hurt by Climate Change

- The Atlantic – 10/24/18

<https://www.theatlantic.com/ideas/archive/2018/10/government-silencing-kids-hurt-climate-change/573790/>

The U.S. has a climate policy, and it wants the Supreme Court to enforce it. That policy: No such thing as Climate Change.

Exxon cries foul as New York files suit accusing Irving company of deceiving investors about climate change

- Dallas News – 10/24/18

<https://www.dallasnews.com/business/exxon-mobil/2018/10/24/new-york-sues-exxon-says-irving-company-built-facade-deceive-investors-climate-change>

The lawsuit describes Exxon's actions as a "longstanding fraudulent scheme."

We're altering the climate so severely that we'll soon face apocalyptic repercussions. Sucking carbon dioxide out of the air could save us.

- Business Insider – 10/24/18

<https://www.businessinsider.com/how-to-stop-gobal-warming-plan-carbon-capture-2018-10>

But developing these negative-emissions technologies requires large-scale investment from the government — and the funding has to come immediately.

Democrats go all-in on clean energy

- Politico – 10/24/18

<https://www.politico.com/story/2018/10/24/democrats-2018-energy-climate-change-873730>

Gubernatorial candidates and potential White House hopefuls are embracing a total phase-out of 'dirty' fuels in coming decades.

Even in Indiana, new renewables are cheaper than existing coal plants

- Utility Dive – 10/25/18

<https://www.utilitydive.com/news/even-in-indiana-new-renewables-are-cheaper-than-existing-coal-plants/540242/>

Last week, Northern Indiana Public Service Co. (NIPSCO) presented analysis for its 2018 Integrated Resource Plan (IRP), finding it can save customers more than \$4 billion over 30 years by moving from 65% coal today to 15% coal in 2023 and eliminating the resource by 2028.