



## *ABRA Update #207 – November 30, 2018*

### **As ACPAs ACP Compressor Station Vote Nears, A Political Labyrinth Emerges**

The last issue of *ABRA Update* (November 15) reported on Virginia Governor Northam’s plans to replace two members of the State Air Pollution Control Board in advance of a crucial Board vote on a permit for the Atlantic Coast Pipeline compressor station in Buckingham County. The two members – Rebecca Rubin and Samuel Bleicher – had voiced concerns about the proposed permit at the Board’s November 9 meeting at which a vote on the permit was deferred until the Board’s December 10 meeting. In the immediate wake of this news, a group of prominent conservation and environmental organizations, several of them ABRA members, issued a statement calling on Governor Northam “to reverse this decision until the current board has finalized its deliberations on the proposed permit.”

In the ensuing two weeks, media outlets have reported widely of the critical reaction (see related articles linked below in In the News) to the Governor’s action. At this writing, the Governor’s Office has indicated the new members will not be seated on the Air Board until after December 10. This raises the question of whether Rubin and Bleicher can still attend and vote at the December 10 meeting, and if so, are willing to do so. If not, that leaves 4 members of the 7-member Board (one member has recused himself from voting on the issue) to decide the compressor station permit issue. In the meantime, a widespread effort is underway to contact the Governor. Those who share these concerns are urged to take the following actions:

Call Governor Northam today at 804-786-2211 and tell him that:

- You are profoundly disappointed by his unacceptable decision
- Changing the air board membership shortly before a final vote on the Buckingham compressor station is a transparent giveaway to support Dominion’s Atlantic Coast Pipeline.
- These personnel changes appear to put corporate interests above the public interest. He should reverse his decision and reinstate Rebecca Rubin and Samuel Bleicher until after the board votes on the pending permit

*Volunteer for ABRA’s Pipeline CSI Program*

**Volunteer**

*Submit a report to the Pipeline CSI*

**Report**

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## FERC Asked to Issue Stop Work Order for ACP

A group of six ABRA members – Appalachian Voices, Chesapeake Climate Action Network, Sierra Club, West Virginia Highlands Conservancy, West Virginia Rivers Coalition, and Wild Virginia – have asked the Federal Regulatory Commission to issue a stop work order for the Atlantic Coast Pipeline (ACP). The request, sent November 27 by Appalachian Mountain Advocates on behalf of the six organizations, noted that the project had recently lost permits from three U.S. Army Corps of Engineers districts (Norfolk, Wilmington and Huntington) to construct the ACP over streams under the Corps’ Nationwide 12 permit. Continuing, the [letter states](#):

As a result of the suspensions of those three authorizations, Atlantic no longer has the requisite federal approval to construct any stream or wetland crossing along its entire route. Atlantic also lacks NWP 12’s authorization for “temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through subsoil fissures or fractures that might occur during horizontal directional drilling [HDD] activities,” meaning that Atlantic lacks the ability to promptly and legally control the all-too-common inadvertent releases from HDD operations that might be performed in lieu of in-stream crossings. Because those mandatory federal authorizations are now lacking, FERC must not allow pipeline construction to continue, not only in waters of the United States but anywhere along the pipeline route.

## Fourth Circuit Vacates MVP’s Nationwide 12 Permit

The U.S. Army Corps of Engineers’ issuance of a Nationwide 12 Permit to the Mountain Valley Pipeline (MVP) has been held to be invalid by the Fourth Circuit Court of Appeals. The November 27 Order from the Court held that Corps’ permit for the MVP violated the Clean Water Act and that the project will likely require an individual permit to cross streams. The Court noted that the State of West Virginia had conditions that were improperly followed by the Corps. A copy of the Court’s decision is available [here](#).

The plaintiffs in the case – Sierra Club, West Virginia Rivers Coalition, Indian Creek Watershed Association, Appalachian Voices and Chesapeake Climate Action Network – are represented by Appalachian Mountain Advocates.

## *In the News:*

### Local/Atlantic Coast Pipeline

#### **‘Ugly episode:’ Northam allies slam his decision to alter board before Dominion vote**

- The Washington Post – 11/27/18

[https://www.washingtonpost.com/local/virginia-politics/ugly-episode-northam-allies-slam-his-decision-to-alter-board-before-dominion-vote/2018/11/27/4e895c7c-f263-11e8-80d0-f7e1948d55f4\\_story.html?utm\\_term=.e23d350438e9](https://www.washingtonpost.com/local/virginia-politics/ugly-episode-northam-allies-slam-his-decision-to-alter-board-before-dominion-vote/2018/11/27/4e895c7c-f263-11e8-80d0-f7e1948d55f4_story.html?utm_term=.e23d350438e9)

Gov. Ralph Northam (D) promised to be a different kind of politician...so where IS that guy?

Related:

- <https://www.virginiamercury.com/2018/11/19/a-governor-meddles-with-the-air-board-as-it-weighs-a-dominion-energy-permit-and-a-former-member-gets-deja-vu/>

#### **Northam's Atlantic Coast Pipeline interference disappointing, but not really surprising**

- News Leader – 11/30/18

<https://www.newsleader.com/story/opinion/editorials/2018/11/30/northam-atlantic-coast-pipeline-interference-disappointing-but-not-really-surprising/2166425002/>

### **Va. NAACP supports some aspects of gas facility in historic black community, surprising opponents**

- The Washington Post – 11/29/18

[https://www.washingtonpost.com/local/virginia-politics/va-naACP-supports-some-aspects-of-gas-facility-in-historic-black-community-surprising-opponents/2018/11/29/f87b776a-f416-11e8-aeaa-b85fd44449f5\\_story.html?noredirect=on&utm\\_term=.acc29071488](https://www.washingtonpost.com/local/virginia-politics/va-naACP-supports-some-aspects-of-gas-facility-in-historic-black-community-surprising-opponents/2018/11/29/f87b776a-f416-11e8-aeaa-b85fd44449f5_story.html?noredirect=on&utm_term=.acc29071488)

Organization is “satisfied with the progress and efforts Dominion Energy has made to work with the key stakeholders and residents in the Union Hill community.” Why the sudden about-face?

### **BREAKING: Just Days Before Vote on Crucial Fracked-Gas-Pipeline Compressor Station in Union Hill, Dominion Energy Busy Buying Off Opposition, Spreading NAACP Letter, Creating “Fear and Confusion”**

- Blue Virginia – 11/30/18

[http://bluevirginia.us/2018/11/breaking-just-days-before-vote-on-crucial-fracked-gas-pipeline-compressor-station-in-union-hill-dominion-energy-busy-buying-off-opposition-spreading-naACP-letter-creating-fear-and-confusion?fbclid=IwAR3swUUfeQlyClxqCFQNLULe72IXPThM1\\_fxrmlUFGIf8K1o1Y3LfwXzsJg](http://bluevirginia.us/2018/11/breaking-just-days-before-vote-on-crucial-fracked-gas-pipeline-compressor-station-in-union-hill-dominion-energy-busy-buying-off-opposition-spreading-naACP-letter-creating-fear-and-confusion?fbclid=IwAR3swUUfeQlyClxqCFQNLULe72IXPThM1_fxrmlUFGIf8K1o1Y3LfwXzsJg)

### **‘Working papers’ exemption claimed to shield governor’s calendar amid pipeline permit uproar**

- Virginia Mercury 11/28/18

<https://www.virginiamercury.com/2018/11/28/working-papers-exemption-claimed-to-shield-governors-calendar-amid-pipeline-permit-uproar/>

### **The Virginia air board members Northam replaced had expired terms. So do 235 other appointees**

- Richmond Times-Dispatch – 11/21/18

[https://www.richmond.com/news/virginia/government-politics/the-virginia-air-board-members-northam-replaced-had-expired-terms/article\\_ee5723b8-1591-5807-888d-26dd52d40922.html](https://www.richmond.com/news/virginia/government-politics/the-virginia-air-board-members-northam-replaced-had-expired-terms/article_ee5723b8-1591-5807-888d-26dd52d40922.html)

So why only replace 3 members from positions that might hinder the Atlantic Coast Pipeline?

Related:

- <https://thinkprogress.org/atlantic-coast-pipeline-3d77b4deaf8e/>

### **Pipeline water crossing permits suspended**

- The Recorder – 11/29/18

[https://www.abralliance.org/wp-content/uploads/2018/11/Pipeline-water-crossing-permits-suspended-Recorder\\_20181129.pdf](https://www.abralliance.org/wp-content/uploads/2018/11/Pipeline-water-crossing-permits-suspended-Recorder_20181129.pdf)

The Army Corps of Engineers on Nov. 20 temporarily suspended authorizations to do any in-stream or wetland construction anywhere along the proposed Atlantic Coast Pipeline route, resulting in another delay for the controversial project.

Related:

- <http://appvoices.org/2018/11/23/army-corps-suspends-stream-crossing-permit-for-entire-atlantic-coast-pipeline/>

### **Gov. Cooper should provide information on the pipeline deal**

- The News & Observer – 11/26/18

<https://www.newsobserver.com/opinion/article222099985.html>

It’s quite possible that everything about the deal was above board. But it’s reasonable to ask questions about the process.

## **Regional/Mountain Valley Pipeline, other**

### **U.S. Court of Appeals for the Fourth Circuit’s Decision to Vacate Mountain Valley Pipeline Nationwide Permit**

- The National Law Review – 11/28/18

<https://www.natlawreview.com/article/us-court-appeals-fourth-circuit-s-decision-to-vacate-mountain-valley-pipeline>

Accessible explanation of the 4<sup>th</sup> Circuit’s decision.

Related:

- [https://www.wvgazette.com/news/th-circuit-opinion-explains-reasoning-behind-vacating-pipeline-permit-in/article\\_986d501c-8fb3-58ec-875c-ea8eaf99bb17.html](https://www.wvgazette.com/news/th-circuit-opinion-explains-reasoning-behind-vacating-pipeline-permit-in/article_986d501c-8fb3-58ec-875c-ea8eaf99bb17.html)
- [https://www.roanoke.com/news/virginia/army-corps-suspends-permit-for-atlantic-coast-pipeline-to-cross/article\\_55d28ac7-1e59-5dd0-98d4-3f6a6a97a488.html](https://www.roanoke.com/news/virginia/army-corps-suspends-permit-for-atlantic-coast-pipeline-to-cross/article_55d28ac7-1e59-5dd0-98d4-3f6a6a97a488.html)

## Rare candy darter found only in New River, Kanawha watersheds listed as endangered species

- The Roanoke Times – 11/20/18

[https://www.roanoke.com/news/local/rare-candy-darter-found-only-in-new-river-kanawha-watersheds/article\\_ebe8aa6e-a3eb-55cc-bde8-4955113a614.html](https://www.roanoke.com/news/local/rare-candy-darter-found-only-in-new-river-kanawha-watersheds/article_ebe8aa6e-a3eb-55cc-bde8-4955113a614.html)

## Facing a second controversial gas pipeline, North Carolina takes a new tack

- Energy News Network – 11/19/18

<https://energynews.us/2018/11/19/southeast/facing-a-second-controversial-gas-pipeline-north-carolina-takes-a-new-tack/>

Still facing criticism for approving a permit for the Atlantic Coast Pipeline, state regulators question another project.

## Tree-sitters in Montgomery County maintain protest against Mountain Valley Pipeline

- The Roanoke Times – 11/15/18

[https://www.roanoke.com/news/local/montgomery\\_county/tree-sitters-in-montgomery-county-maintain-protest-against-mountain-valley/article\\_986d0ofd-af87-53e0-adeb-bc44c1e5309a.html](https://www.roanoke.com/news/local/montgomery_county/tree-sitters-in-montgomery-county-maintain-protest-against-mountain-valley/article_986d0ofd-af87-53e0-adeb-bc44c1e5309a.html)

A tree-sit protest of the Mountain Valley Pipeline in Montgomery County, now in its third month, is playing out more quietly than other such attempts to block work on the controversial natural gas pipeline.

Related:

- <https://www.wric.com/news/virginia-news/charges-against-mountain-valley-pipeline-tree-sitters-dismissed/1601570753>

## SC nuclear fiasco opens the door for competing pipeline builders

- The Post and Courier – 11/25/18

[https://www.postandcourier.com/business/sc-nuclear-fiasco-opens-the-door-for-competing-pipeline-builders/article\\_ab395af8-e804-11e8-9eb6-6bdbfff4ae02.html](https://www.postandcourier.com/business/sc-nuclear-fiasco-opens-the-door-for-competing-pipeline-builders/article_ab395af8-e804-11e8-9eb6-6bdbfff4ae02.html)

South Carolina's nuclear boondoggle could become a boon for natural gas, providing an opportunity for some of the country's largest energy corporations to charge utility customers throughout the Palmetto State with costs to build multi-billion dollar pipelines.

Related:

- <https://www.thestate.com/news/politics-government/article222183895.html>

## Big Picture:

### A Grave Climate Warning, Buried on Black Friday

- The Atlantic – 11/23/18

<https://www.theatlantic.com/science/archive/2018/11/national-climate-assessment-black-friday/576589/>

In a massive new report, federal scientists contradict President Trump and assert that climate change is an intensifying danger to the United States. Too bad it came out on a holiday. In a massive new report, federal scientists contradict President Trump and assert that climate change is an intensifying danger to the United States. Too bad it came out on a holiday.

### The ticking bomb of climate change is America's biggest threat

- The Guardian – 11/29/18

<https://www.theguardian.com/commentisfree/2018/nov/29/ticking-bomb-climate-change-america-threat>

It's time for the United States to treat climate change as the national security challenge it is

### Senate committee advances FERC nominee McNamee despite 'unfortunate' comments

- Utility Dive – 11/27/18

<https://www.utilitydive.com/news/senate-committee-advances-ferc-nominee-mcnamer-despite-unfortunate-comment/543045/>

The committee advanced McNamee, despite the release of a video last week in which the nominee criticizes renewable energy and portrays environmental groups as tyrannical.

Related:

- <https://www.utilitydive.com/news/ferc-nominee-mcnamer-slams-renewables-green-groups-in-feb-video/542702/>

### **Federalism “Collisions” in Energy Policy**

- The Regulatory Review – 11/19/18

<https://www.theregreview.org/2018/11/19/klass-federalism-collisions-energy-policy/>

Differences between federal and state energy regulations will likely require judicial intervention. We are seeing this already.

### **Two U.S. pipelines rack up violations, threaten industry growth**

- Reuters – 11/28/18

<https://www.reuters.com/article/us-usa-pipelines-etp-violations-insight/two-u-s-pipelines-rack-up-violations-threaten-industry-growth-idUSKCN1NX1E3>

Regulators and industry experts said the pace of both projects far exceeded industry norms.

### **Outgoing Michigan governor pushing for Great Lakes pipeline**

- The News Tribune – 11/24/18

[https://www.thenewstribune.com/news/business/article222131130.html?fbclid=IwAR1Tn-D2dTR1eADvPSk28oVg9tj5z1AAvKmwmaukxDb\\_5myoQqbl3MTMJiE](https://www.thenewstribune.com/news/business/article222131130.html?fbclid=IwAR1Tn-D2dTR1eADvPSk28oVg9tj5z1AAvKmwmaukxDb_5myoQqbl3MTMJiE)

Republican governor expending “last dying breath” of administration to leave a gift for Canadian Oil.

### **Court reverses National Fuel eminent domain order**

- NBC2 News – 11/26/18

<https://www.wgrz.com/article/news/local/court-reverses-national-fuel-eminant-domain-order/71-617727693>

This is a state-level decision, but it will likely be appealed by National Fuel. Keep a lookout as it moves up the judicial chain.

### **Report: 90% of Pipeline Blasts Draw No Financial Penalties**

- DeSmog – 11/17/18

<https://www.desmogblog.com/2018/11/17/report-phmsa-90-pipeline-blasts-draw-no-financial-penalties>

Apparently “thought & prayers” are good enough.

### **Opinion: Here’s the good news in that alarming report on climate change**

- MarketWatch – 11/27/18

<https://www.marketwatch.com/story/heres-the-good-news-in-that-alarming-report-on-climate-change-2018-11-27>

The solution is at hand: The cost of ditching carbon is much less than you think

Related:

- <https://www.forbes.com/sites/energyinnovation/2018/11/30/carbon-pricing-is-key-to-fighting-climate-change-but-it-is-no-silver-bullet/#64bb1a297799>