



ABRA Update #211 – January 3, 2019

Air Board Comments Due January 4, Permit Vote Scheduled for January 8

Comments to the Virginia Air Pollution Control Board on the proposed ACP compressor station in Buckingham County, VA are due Friday, January 4 by 11:59 pm (emailed comments are accepted). The Board is scheduled to vote on the permit at a meeting in Richmond next Tuesday, January 8, beginning at 10 am.

Those persons who have not yet voiced their concerns about the compressor station issue are urged to do so, either with their own comments or by signing a petition. For instructions on how to file comments and major points to be made, as well as a link to the petition, click [here](#).

Details on the Board's January 8 meeting, including an agenda, are available [here](#).

Objection is Voiced to FERC Over Proposed ACP Stabilization Measures

The Federal Energy Regulatory Commission (FERC) received a [December 11 request](#) from the Atlantic Coast Pipeline, LLC (ACP, LLC) to permit it to conduct certain stabilization measures due to the company's cessation of work on the Atlantic Coast Pipeline (ACP) in the wake of the Fourth Circuit Court of Appeals [December 7 decision to stay the U.S. Fish and Wildlife's Biological Opinion and Incidental Take Statement](#) for the project. The ACP, LLC request included a plan to install pipe that is strung and welded next to trenches already dug.

On December 21 the Southern Environmental Law Center, Appalachian Mountain Advocates and Chesapeake Bay Foundation asked FERC to require the company to remove strung pipe from the right-of-way rather than allow it to continue to install pipe along a route that is not authorized by law. [The SELC, et. al. letter](#), pointing to the several Fourth Circuit decisions in recent months striking down various permits for the ACP, stated:

Despite lacking effective mandatory authorizations for the project since September, Atlantic has continued to proceed with stringing pipe along the right-of-way. The Commission should not now countenance the decision by Atlantic to proceed in the absence of key permits by allowing Atlantic to install the pipe it brought to the right-of-way at its own risk. The pipe should be removed to ensure compliance with applicable laws, and not furtherance of a predetermined route unauthorized by law. Atlantic must only be allowed to take those actions that are truly necessary to ensure the stabilization of the right-of-way and work areas. Pipe installation is not necessary to stabilize a trench. Atlantic has provided stabilization techniques for areas where the trench is dug but pipe is not currently strung out on the right-of-way.

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Concluding, the letter argues:

Atlantic gambled and continued constructing its pipeline in the face of numerous stayed and suspended authorizations. Atlantic is now asking the Commission to endorse that decision by allowing Atlantic to install pipe strung out on the right-of-way under the pretense of “stabilization.” The Commission should not accept this hollow justification and should order Atlantic to stop all such construction along the right-of-way.

Prominent Virginia Democrat Legislator Proclaims Opposition to the ACP

Virginia Delegate David Toscano (D-57th, Charlottesville), who served until this year as Minority Leader of the Virginia House of Delegates, announced on January 2 his strong opposition to the Atlantic Coast Pipeline (ACP). In a special communication, posted on his website and emailed to constituents, Toscano likened the ACP to a “old automobile in need of a valve job – it is leaking serious oil, suffers by comparison to newer, more advanced models, and even if it can be made roadworthy, you and I will pay the bill for decades.”

Toscano, who relinquished his leadership position after 8 years but continues as a Member of the House of Delegates, said that “when this massive pipeline was proposed, I was skeptical but willing to listen. I recognized that our state legislature had no vote on the pipeline, but I nonetheless brought my serious concerns to the attention of Dominion, state agencies, and my constituents.” But, he writes, “what I heard when this was first presented about future energy needs requiring the building of this massive new pipeline has been undercut by developments over and over again.”

Citing the December judgment of the Virginia State Corporation Commission that questioned the excessiveness of the energy need forecasts of Dominion Energy, recent decisions on the ACP by the Fourth Circuit Court of Appeals striking down ACP permits and the significant change in the energy landscape in the last decade regarding the affordability of renewable energy sources, Toscano concludes that we need not “embrace a pipeline as massive as the Atlantic Coast Pipeline.”

Delegate Toscano’s letter is available [here](#). ABRA members and supporters are encouraged to express your gratitude to Delegate Toscano for his forthright letter. Contact information for writing him is at <https://davidtoscano.com/contact-david-toscano>.

FERC Commissioner McIntyre Dies

Commissioner Kevin J. McIntyre of the Federal Energy Regulatory Commission (FERC) passed away on February 2. He was 57. A statement from FERC is available [here](#).

McIntyre joined the Commission as Chairman in December 2017. He relinquished his leadership role in October 2018 due to illness but stayed on as a FERC member. Commissioner McIntyre’s passing leaves FERC with four members until President Trump appoints a replacement, who must be confirmed by the U.S. Senate.

CSI Workshops Scheduled for Augusta County on January 5 and 14

Two training workshops for ABRA’s Pipeline Compliance Surveillance Initiative (CSI) are scheduled for Augusta County. The first will be on **Saturday, January 5, 10 am to 2 pm**, at the **Stuarts Draft Rescue Squad, 10 Manor Rd., Stuarts Draft, VA**. For details and registration information, click [here](#).

A second CSI workshop is scheduled for **Monday, January 14, 10 am to 2 pm**, at the **Deerfield Community Center, 64 Marble Valley Rd, Deerfield, VA**. For details and registrations, click [here](#).

In the News:

Local/Atlantic Coast Pipeline

As court challenges pile up, gas pipeline falls behind

- Washington Post – 12-29-18

https://www.washingtonpost.com/local/virginia-politics/as-court-challenges-pile-up-gas-pipeline-falls-behind/2018/12/29/8637dbd2-0549-11e9-b5df-5d3874fac36_story.html?fbclid=IwAR3ESaGuXzwKg1kSNTIznDi6B1oD8Uy-14Ylr9PdUmZgghposwHFYUfRis4&utm_term=.05bce94211ed

“Opponents represented by the Southern Environmental Law Center have won a string of legal victories that have brought work on the \$7 billion, 600-mile natural gas pipeline to a halt, at least temporarily. Several rulings are under appeal, while an even bigger case looms in the new year.”

Rev. Paul Wilson fought natural gas pipeline project in Buckingham: 'It's taken a toll on me'

- Richmond Times-Dispatch – 12/29/18

https://www.richmond.com/news/virginia/the-rev-paul-wilson-fought-natural-gas-pipeline-project-in/article_6cf3a9fb-4e5f-51da-8b52-cd3feeb99a05.html?fbclid=IwAR15krTs3h3C-SJV5TRhcPvnCQf8AIgzVZD4hnBderfKbXm_8V7e-oTo9mA

A profile of a leader in the Union Hill community of Buckingham County, VA

A tale of two pipelines and the conscience of our state

- Fayetteville Observer – 12/22/18

<https://www.fayobserver.com/opinion/20181222/hope-taylor-tale-of-two-pipelines-and-conscience-of-our-state>

Hope Taylor, Executive Director of Clean Water for North Carolina, discusses the combined impact on North Carolina of the ACP and the proposed MVP Southgate Extension project. She writes: “Both pipelines will contribute to worsening climate change, dislocation of residents, unneeded costs, and environmental damage. But what does it tell us about our state’s commitment to fair treatment that the DEQ has raised key questions of need about the smaller proposed MVP Extension, but not about the much larger, more costly Atlantic Coast Pipeline?”

Regional/Mountain Valley Pipeline, other

Focus on the courtroom as pipeline fight continues in 2019

- WDBJ7 – 12/28/18

https://www.wdbj7.com/content/news/Pipeline--503640491.html?fbclid=IwAR23xWFnwgSEKbH1wTYo1Tl_bL5QByx9JfZi15vqfaooT3vzpmXSreJBywjc

MVP says it is more than half-way toward completing the natural gas pipeline, but opponents say they believe the courts are now paying attention to their concerns.

Supreme Court deciding whether to hear Mountain Valley Pipeline lawsuit

- WSLs10 News – 12/26/18

https://our.news/external/?url=https%3A%2F%2Fwww.wsls.com%2Fnews%2Fvirginia%2Froanoke%2Funitd-states-supreme-court-deciding-whether-or-not-to-hear-mountain-valley-pipeline-lawsuit&fbclid=IwAR05X4HRuW93MQ1NNKw5EPQLY8Ais5kmyLfC-Zk_3FMibiBeUnha6LnvHp8

The case deals with eminent domain and the Natural Gas Act of 1938.

Maryland board votes down 'fracked gas' pipeline through Western Maryland

- Baltimore Sun – 1/2/19

https://www.baltimoresun.com/news/maryland/politics/bs-md-dpw-pipeline-20190102-story.html?fbclid=IwAR3NWqQzo3E8OosZLlhQlgPvIrkn9HItGu6UuILotNKYS_C2YOPPSa359xI

The Maryland Board of Board of Public Works unanimously rejects the Potomac Pipeline, a project of Columbia Gas Transmission, citing concerns for project’s impact on the environment.

What does trespassing on your own property mean?

- Roanoke Times – 12/31/18

https://www.roanoke.com/opinion/commentary/daniel-what-does-trespassing-on-your-own-property-mean/article_f8efadd4-91c9-55de-ba74-54cfde8boff6.html?fbclid=IwAR1tuwmxgLxRXwseMWzmRk-BLmiC-SxyuAbcC5qHM8SxbH2ATTXeyaoLZwo

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