

# The Recorder

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## Court rejects pipeline company's request to expedite

### Project obstacles continue to mount

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MONTEREY — A federal court has thrown out Dominion Energy's motion to hurry up litigation on environmental permitting of the proposed Atlantic Coast Pipeline.

The Department of Interior, which oversees the U.S. Forest Service, and U.S. Fish and Wildlife Service, asked the court to delay deadlines because of the partial government shutdown and budget shortfalls.

Both agencies are charged with allegedly bowing to the Trump administration's pressure to keep the project on schedule and failing to fully disclose documents and records.

### Project on hold

On Dec. 28, the Fourth Circuit U.S. Court of Appeals rejected the pipeline company's request to move up oral arguments from March to January. A March briefing, Dominion argued, could delay the project up to a year, cost \$20 million a week in idled construction expenses, and force the release of nearly 3,000 workers.

Dominion did not immediately respond to The Recorder's requests for comment on the court action.

The one-sentence court order represented another hurdle in the delay-plagued project that is approaching its fifth year since being proposed in May 2014 and having mushroomed in cost from \$4 billion then to \$7 billion today.

The Fourth Circuit threw out the U.S. Forest Service's authorizations for ACP to cross national forest land and the Appalachian Trail. After another Fourth Circuit order, the Army Corps of Engineers suspended project authorizations for water crossings.

The proposed 600-mile gas pipeline would cross from West Virginia into Virginia through Highland County before crossing through northern Bath County.

On Dec. 21, the Federal Energy Regulatory Commission separately received objection over a plan to continue pipeline construction under the guise of stabilization after a Dec. 7 court ruling halted work on the project.

### **Groups urge pipe removal**

A pipeline company request to FERC included a plan to bury pipe strung and welded next to open trenches.

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 groups have demanded a broad stop-work order.

In its letter, SELC and the other groups pointed to the several Fourth Circuit decisions in recent months striking down various permits for the ACP.

“Despite lacking effective mandatory authorizations for the project since September, Atlantic has continued to proceed with stringing pipe along the right of way,” they wrote. “The commission should not now countenance (tolerate) 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,” they argued. “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 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,” the letter stated.

### **Renewables favored**

Del. David Toscano of Charlottesville issued a statement Jan. 2 comparing the proposed pipeline to an old car suffering from mechanical failure.

“Several years ago, when this massive pipeline was proposed, I was skeptical but willing to listen,” Toscano said. “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. I worked with Nelson County homeowners in and around Wintergreen to ask Dominion to move the pipeline route, but we were rebuffed. We suggested many possible alternative routes, each of which would limit the environmental impact, but all of these were rejected.”

Toscano cited a study of the energy industry suggesting renewables such as solar power are becoming competitive with fossil fuel. He pointed to a State Corporation Commission ruling for Dominion to revise its long-range plans because electrical demand forecasts were overstated, expansion of other companies’ gas pipeline capacity and sufficiency of Dominion’s long-term contracts to serve existing and future gas-fired power plants, all implying the proposed pipeline is unjustified.

To see Toscano’s full statement, access [davidtoscano.com/](http://davidtoscano.com/).