



## ABRA Update #217 – February 15, 2019

### Buckingham Air Permit Challenged in Court

The Southern Environmental Law Center (SELC), on behalf of Friends of Buckingham, challenged on February 8 the Virginia Air Pollution Control Board’s decision to approve Dominion’s Atlantic Coast Pipeline Buckingham County compressor station. Joining SELC in the lawsuit, filed with the Fourth Circuit Court of Appeals, was the Chesapeake Bay Foundation (CBF).

[The Air Board voted unanimously January 8 to approve the permit.](#) The action was vigorously opposed by ABRA and its members, including Friends of Buckingham and Yogaville Satchidananda Ashram. [The SELC/CBF petition](#) contends that the Air Board and the Virginia Department of Environmental Quality did not meet their obligations under state and federal laws to consider less-polluting alternatives and the best available pollution controls for minimizing pollution from the proposed compressor station.

“The backdrop to the board’s decision about the compressor station is the mounting evidence that customers in Virginia do not need the Atlantic Coast Pipeline to meet their energy needs,” said SELC Senior Attorney Greg Buppert. “When a project like this pipeline goes forward without a full and transparent evaluation of its public necessity, it unfairly puts communities like Union Hill in harm’s way.”

A briefing schedule for the case has not been established. Arguments before the Fourth Circuit are not anticipated to occur until sometime this Fall.

### West Virginia Legislature Considers Bill To “Condemn” ACP Opponents

A resolution condemning the “assaults on the Atlantic Coast Pipeline” from citizen groups has been introduced in the West Virginia House of Delegates. [House Resolution 11](#), introduced February 6 and just made public this week, is co-sponsored by 49-members of the 100-member House, including the Speaker. The action followed [January 8 speech at a West Virginia energy conference by a Dominion Energy lobbyist](#) who called for “rouge environmentalists” to be condemned by the state legislature. The speech prompted the [Charleston Gazette-Mail to strongly editorialize two-days later](#):

The suggestion to the Legislature offered up by lobbyist Bob Orndorff that the body pass a resolution condemning the environmental groups pursuing litigation is insulting. These groups trying to protect their rights are made up of actual West Virginians who want to preserve what they have and avoid being steamrolled by big industry. Their government should be watching out for them, but it’s not, so the only way to stand up for themselves is through the courts.

Remember it’s the people who are the David in this scenario, not the Goliath.

<p>Volunteer for ABRA’s Pipeline CSI Program</p> <p><b><u>Volunteer</u></b></p>	<p>Submit a report to the Pipeline CSI</p> <p><b><u>Report</u></b></p>	<p>Stay informed, like us on Facebook.</p> 	<p>Support ABRA financially</p> <p><b><u>GiveNow</u></b></p>
---	--	---	--

Among some of the passages in the Resolution are:

- *Resolved*, that we find that the attacks are also damaging West Virginia’s energy production industry, the source of more than \$6 billion annually in wages to our state’s working men and women; and, be it
- *Resolved*, that we find that the assaults on these projects have great potential to damage the environment by hindering the deployment of electric generation powered by solar power, wind and other renewable resources, all of which must be backed up with fossil fuel powered generation, such as natural gas; and, be it
- *Resolved*, that we strongly urge the groups spearheading these assaults to stop their attacks and delaying actions and in the process help pave the way for a cleaner and stronger energy future for West Virginia and for the entire nation;

ABRA, in consultation with its member organizations, is evaluating an appropriate response to the Resolution.

## **Virginia Water Board Calls Special March 1 Meeting on MVP Permit**

The Virginia State Water Control Board will convene a special meeting on Friday, March 1 in Richmond to discuss how it should proceed to implement its decision of December 13, 2018 to consider the revocation of the Section 401 certification it granted to the Mountain Valley Pipeline (MVP) in December 2017. The announcement of the meeting comes two months after the Board had voted on December 13 to hold a public hearing as part of its revocation consideration. The Board’s action followed numerous citations for violations for the MVP, most involving water quality issues, and a lawsuit filed the previous week by the Virginia Attorney General against MVP for repeated violations.

The March 1 Water Board meeting, according to the announcement, will include an executive session which will not be open to the public. For details, click [here](#).

## **Forest Service Joins Dominion in Challenging Fourth Circuit Decision**

The U.S. Forest Service (NFS) filed on [February 11 a petition for review](#) of the Fourth Circuit Court of Appeals decision in December vacating the NFS permit for the Atlantic Coast Pipeline to cross the Appalachian National Scenic Trail. Atlantic Coast Pipeline, LLC (ACP, LLC) had previously [filed a challenge to the decision, on January 28](#). The NFS petition states:

... the Forest Service seeks rehearing of the panel’s holding that National Forest System land traversed by the Appalachian National Scenic Trail “is land in the National Park System.” Slip op. 52. That holding presents “a question of exceptional importance,” Fed. R. App. P. 35(a)(2), because it may preclude the construction of infrastructure for *any* pipeline across *all* federal lands traversed by the 2100-mile Appalachian Trail in states within the jurisdiction of this Court, and because it contradicts the plain language of the National Trails System Act and the agencies’ consistent practice over eighty years of Appalachian Trail management. The panel’s holding also calls into question the validity of dozens of Forest Service permits for electrical transmission lines, telecommunications sites, municipal water facilities, roads, and grazing areas.

Reaching this issue was unnecessary to the judgment. The Forest Service seeks rehearing to preclude the above-described holding from having precedential effect—with disruptive consequences for the many operations of the Forest Service and the Park Service in this Circuit.

The NFS petition, like the previously one filed by ACP, LLC, requests that all fifteen members of the Fourth Circuit hear the appeal. At this writing, the Court has not yet acted on either petition.

### **Al Gore and Rev. Barber to Visit Buckingham Feb. 19**

Former Vice President Al Gore and Rev. William Barber will visit Buckingham County, VA on Tuesday, February 19 for a “Moral Call for Ecological Justice,” to be held from 6-8 pm at the Buckingham Middle School. The event is open to the public. To register, click [here](#).

---

## **THE MORAL CALL FOR ECOLOGICAL JUSTICE IN BUCKINGHAM**

**Tuesday, February 19, 2019 • 6:00 – 8:00 pm**  
Buckingham Middle School • 1184 High School Rd • Buckingham, VA 23921

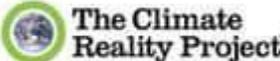


Join Rev. Dr. William J. Barber, II and former Vice President Al Gore for a program on “*The Moral Call for Ecological Justice in Buckingham*.” The public is invited to this free, educational event, where Buckingham residents and other Virginians will share stories of the impacts of environmental injustice, and scientific experts will discuss the health threats and ecological devastation of the proposed Atlantic Coast Pipeline and compressor station. As we celebrate Black History Month, we recognize how poverty, racism and ecological concerns are connected, and that we cannot address just one without addressing the others.

Rev. Dr. Barber is President of Repairers of the Breach and co-chair of the Poor People’s Campaign: A National Call for Moral Revival. Former Vice President Gore is the founder and chairman of The Climate Reality Project, a non-profit devoted to solving the climate crisis.

Rev. Dr. William J. Barber, II      Former Vice President Al Gore

**For more information, contact [info@friendsofbuckinghamva.org](mailto:info@friendsofbuckinghamva.org)**



---

## ***In the News:***

### **Local/Atlantic Coast Pipeline**

#### **Gas cost bill passes House, but dies in committee**

- The Recorder – 2/14/19

[https://www.abralliance.org/wp-content/uploads/2019/02/Gas-cost-bill-passes-House-but-dies-in-committee-Recorder\\_20190214.pdf](https://www.abralliance.org/wp-content/uploads/2019/02/Gas-cost-bill-passes-House-but-dies-in-committee-Recorder_20190214.pdf)

Though this was a small ray of hope, the realists inside us never really thought that Virginia's legislature was ready to meaningfully defy its fossil fuel Overlord.

#### **Time for Dominion to cut its losses on the Atlantic Coast Pipeline**

- News Leader – 2/12/19

<https://www.newsleader.com/story/opinion/columnists/2019/02/12/time-dominion-cut-its-losses-atlantic-coast-pipeline/2848848002/>

When will Dominion realize that there is a myriad of opposition across all spectrums of our communities who will not give up?

#### **FAYETTEVILLE OBSERVER: Natural-gas pipeline gets a needed second look**

- Fayetteville Observer Editorial Board – 2/11/19

<https://www.jdnews.com/opinion/20190211/fayetteville-observer-natural-gas-pipeline-gets-needed-second-look>  
While the pipeline's sponsors are stopping to review their progress and prognosis, it would be wise for government agencies to do the same.

#### **Dominion Energy pledges 50 percent cut in methane by 2030, but pipeline opponents unswayed**

- Richmond Times-Dispatch – 2/12/19

[https://www.richmond.com/business/dominion-energy-pledges-percent-cut-in-methane-by-but-pipeline/article\\_9a94c609-89f2-5df2-88d9-8f033707f163.html](https://www.richmond.com/business/dominion-energy-pledges-percent-cut-in-methane-by-but-pipeline/article_9a94c609-89f2-5df2-88d9-8f033707f163.html)

Avoiding the loss 430,000 tons of CO2 equivalent while the ACP delivers 68 million tons per year doesn't sound like much of a cut.

Related:

- <https://www.virginiamercury.com/blog-va/dominion-says-it-will-cut-methane-emissions-environmental-group-what-about-that-pipeline/>

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

#### **Board to discuss revocation of Mountain Valley Pipeline permit at March 1 meeting**

- The Roanoke Times – 2/14/19

[https://www.roanoke.com/business/news/board-to-discuss-revocation-of-mountain-valley-pipeline-permit-at/article\\_7c95edc4-f0c5-5415-9675-b3c2fe5b44f5.html?fbclid=IwAR2eKhDvIEROkhoaXmZsHOW5\\_FT6dy39NZU4dOJonPNTpZtEKpxkGBBQeQc](https://www.roanoke.com/business/news/board-to-discuss-revocation-of-mountain-valley-pipeline-permit-at/article_7c95edc4-f0c5-5415-9675-b3c2fe5b44f5.html?fbclid=IwAR2eKhDvIEROkhoaXmZsHOW5_FT6dy39NZU4dOJonPNTpZtEKpxkGBBQeQc)

The State Water Control Board may soon decide whether to revoke its earlier approval for a natural gas pipeline under construction in Southwest Virginia.

#### **Mountain Valley still on track to complete pipeline this year, company officials say**

- The Roanoke Times – 2/14/19

[https://www.roanoke.com/business/news/mountain-valley-still-on-track-to-complete-pipeline-this-year/article\\_dd1641c3-d373-584f-83ac-97f1507977f0.html](https://www.roanoke.com/business/news/mountain-valley-still-on-track-to-complete-pipeline-this-year/article_dd1641c3-d373-584f-83ac-97f1507977f0.html)

Legal battles with environmental groups opposed to the pipeline have already played a large part in pushing the completion date back one year and increasing the project's cost from \$3.7 billion to \$4.6 billion.

#### **SCC allows Roanoke Gas Co. to expand service in Franklin County**

- The Roanoke Times – 2/9/19

[https://www.roanoke.com/business/news/franklin\\_county/scc-allows-roanoke-gas-co-to-expand-service-in-franklin/article\\_13d562f7-c2b2-5ee0-839f-b9c29f063548.html](https://www.roanoke.com/business/news/franklin_county/scc-allows-roanoke-gas-co-to-expand-service-in-franklin/article_13d562f7-c2b2-5ee0-839f-b9c29f063548.html)

## **IEEFA report: West Virginia shale development falls short of economic promise**

- IEEFA – 2/7/19

<http://ieefa.org/ieefa-report-west-virginia-shale-development-falls-short-of-economic-promise/>

The nearly six-fold increase in West Virginia’s natural gas production in the last decade, due largely to shale development, or fracking, has fallen short of expectations for economic growth, job creation, and tax revenue generation. Maybe it’s time to build an economy on something other than resource extraction.

## **Big Picture:**

### **As Climate Change Returns to Capitol Hill, Disagreements Remain Among Democrats**

- The New Yorker – 2/9/19

<https://www.newyorker.com/news/news-desk/as-climate-change-returns-to-capitol-hill-disagreements-remain-among-democrats>

This week’s progress in Washington is promising, but deep fractures remain in the Democratic Party on how to aggressively pursue solutions to the issue of climate change.

### **Glick Shines Light on FERC Dispute over GHG**

- RTO Insider – 2/12/19

<https://www.rtoinsider.com/glick-ferc-ghg-110908/>

FERC Commissioner Richard Glick on Tuesday provided some insight into the “vigorous debate” over natural gas pipeline approvals that has divided the commission along party lines.

### **3 tests the Green New Deal must pass to work**

- National Geographic – 2/14/19

<https://www.nationalgeographic.com/environment/2019/02/3-steps-green-new-deal-must-pass-to-work/>

Energy systems change slowly, with heating oil still barged through Hudson River ice as one example. Yet there are signs of hope in a brash proposal for a “green new deal” on climate change.

### **IEEFA/Sightline analysis: The fracking depreciation dodge**

- IEEFA – 2/11/19

<http://ieefa.org/the-depreciation-dodge/>

Accounting tricks hide the industry’s biggest secret: it’s a losing game.

### **Energy Transfer Pipeline Projects on Hold in Pennsylvania After String of Violations**

- DeSmog – 2/11/19

<https://www.desmogblog.com/2019/02/11/pennsylvania-suspends-permit-energy-transfer-mariner-east-rover-revolution-pipelines-violations>

The company — also at the center of Dakota Access, Bayou Bridge, and Rover pipeline controversies — racked up a troubling track record of law-breaking in Pennsylvania, causing sinkholes, water contamination, and an early-morning pipeline explosion. It separately remains under a criminal investigation by the Chester County district attorney.

### **The False Choice Between Economic Growth and Combatting Climate Change**

- The New Yorker – 2/4/19

<https://www.newyorker.com/news/news-desk/the-false-choice-between-economic-growth-and-combatting-climate-change>

### **Los Angeles ditches plan to invest billions in fossil fuels, Mayor Eric Garcetti says**

- LA Times – 2/11/19

<https://www.latimes.com/business/la-fi-garcetti-los-angeles-gas-plants-20190211-story.html>

The mayor’s decision comes several months after state lawmakers passed a bill requiring California to get 100% of its electricity from climate-friendly sources by 2045, up from a previous target of 50% renewable by 2030.