



Allegheny-Blue Ridge Alliance

Protecting the heritage, resources and economy of the Allegheny-Blue Ridge region

October 16, 2019

Mr. Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
840 Bear Tavern Rd., Suite. 300
West Trenton, NJ 08628

RE: CPF 1-2019-1014W Warning Letter – Additional Info

Dear Mr. Burrough:

On July 25, 2019, you sent a warning letter to Brian Sheppard of Dominion Energy Transmission, Inc., (DETI) detailing concerns raised in December of 2018 by a PHMSA inspector at two locations of active construction of the Atlantic Coast Pipeline in West Virginia. In that letter, you noted problems highlighted by your inspectors, including trench widths that did not appear to meet specifications, and the presence of bedrock, loose boulders and other debris in the trench along with placed pipe sections. You quoted DETI's Construction Specifications regarding required trench dimensions, ditch grading and completion to provide support and protection, and maintaining the trench "free of loose rocks, wood, welding rods, and metal and other debris."

DETI's response, sent August 21, 2019, denies that the conditions cited by your inspectors were indicative of the circumstances in which the pipe would be finally placed and buried and that DETI should not be penalized for 'temporary site conditions' related to the official construction stoppage that continues to this day.

The Allegheny-Blue Ridge Alliance, a coalition of over 50 organizations opposing the Atlantic Coast Pipeline, has a program to monitor the construction of the project. The [Compliance Surveillance Initiative](#) (CSI), has conducted numerous aerial observation flights of the Atlantic Coast Pipeline route since May of 2018. The purpose of these flights is the collection of aerial photography for tracking construction progress and determining DETI's adherence to federal and state (and its own declared) construction and environmental standards. Based on CSI aerial photography and interpretation, [West Virginia Rivers Coalition](#) has submitted 41 complaints to the West Virginia Department of Environmental Protection (WVDEP), several of which have resulted in Notices of Violation (NOVs). These are in addition to approximately 170 instances, that we are aware of, in which FERC or WVDEP inspectors, or Dominion's own inspectors reported environmental compliance issues during that time period.

Based on our knowledge of DETI's apparent inability to adhere to required standards, PHMSA's warning letter piqued our interest and the CSI team decide to take a closer look at our imagery to see if we could identify potentially similar circumstances that PHMSA's inspectors would not likely have seen.

The two locations for which the warnings were issued were listed as "Broad Run Rd (Spread 1-1)" and "Democrat Rd (Spread 2-1)". No other location information or site descriptions were given. The Broad

Run Rd crossing was found to be in Lewis County, WV, at approximately 80.44379W, 39.12783N, or Milepost 9.3 (WVDEP 2019). Democrat Ridge Road was found to be in Upshur County, WV, with the project crossing at approximately 80.14329W, 38.84709N, or Milepost 40.28.

Unfortunately, CSI does not have aerial imagery from December 11 or 12, and so we were unable to directly identify the conditions cited by PHMSA. We *do* have imagery from December 18, 2018 and November 18, 2018, that shows these locations, though activities on those days do not match what PHMSA reported. In addition, we have imagery from many other flight dates. This imagery archive allows us to examine all of the areas that have seen significant construction, including those where pipe has been buried. It also shows, in many cases the various *stages* of construction at specific sites.

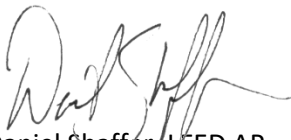
Upon examination of our aerial photography, CSI has identified 25 locations along the route that seem to show large rocks loose in the trench, directly underneath the pipe, incorporated with backfill, or protruding into the trench in close proximity to the pipe. The following pages show these locations, the dates on which the photographs were taken, approximate location (Milepost & Long/Lat), and a brief description of the issue shown. We are concerned that these conditions place the Atlantic Coast Pipeline at a significant risk of damage during hydrostatic testing, increased rates of corrosion due to damaged epoxy coating, or rupture due to landslides or even small slips.

It is PHMSA's duty to inspect these facilities during and after construction and to enforce the regulations that protect the public safety and sustain the public trust. PHMSA has already voiced concerns over unsafe construction conditions. Our photographic evidence suggests that such conditions are common practice on this project. We feel that these locations warrant additional investigation to ensure that the project is being constructed in a safe manner. At this point, visual inspection of the pipe's placement in the trench, proximity to bedrock and fill material analysis (i.e. spot checks involving digging up a section of trench) are the only way to ensure that this job is being done correctly. DETI has already had crews excavating and replacing pipe sections that failed coating integrity tests, so personnel and equipment should be available to conduct these investigations.

We hope that you will find these images helpful. If you would like any additional information, we will be happy to provide you with whatever we have.

Thank you for taking the time to listen to our concerns and suggestions and thank you for your public service.

Sincerely,



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Possible Construction Problem Areas – Atlantic Coast Pipeline

Original photos are available on the [CSI Mapping System](#), on the Pipeline Air Force Flights tab, or by request. If you use the CSI Mapping System, please check out the [User Guide](#) for ease of use.

Caption format is as follows:

Date **PhotoID** **Milepost** **Long, Lat**

Comments (includes original photo X,Y grid reference: position on an imaginary 10x10-cell grid)

Perceived “Severity” of these situations varies widely. We don’t know what PHMSA was specifically concerned about (no photos in warning letter), so we thought it best to flag a variety of situations. Images are from screen captures of original photos zoomed to between 30% & 50% on-screen.



8/22/2018 1156 MP 31.6 -80.228532, 38.924219

5,4 Possible rock(s) in contact with pipe in trench.



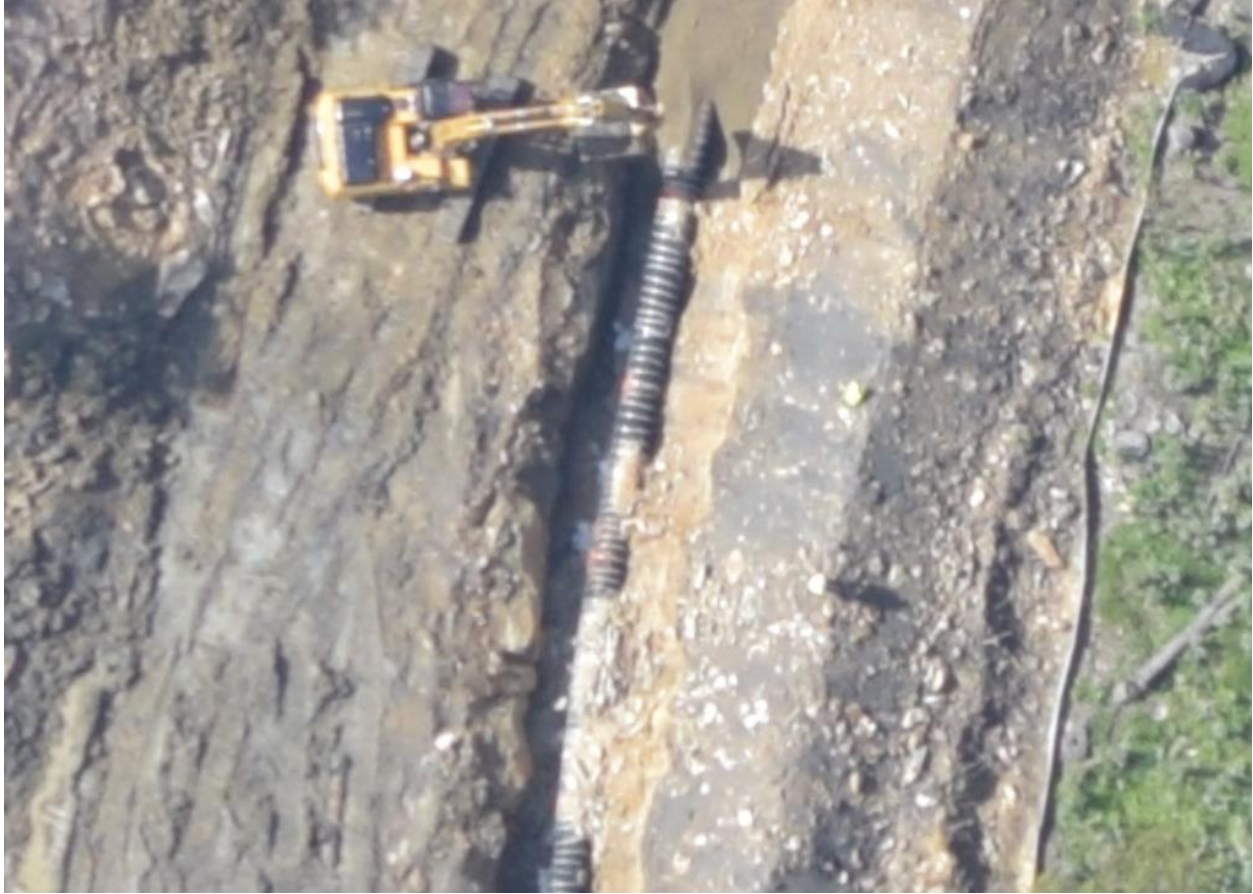
8/22/2018 1146 MP 32.02 -80.221906, 38.923183

3,4 Bedrock visible in trench. Rock in trench. Pipe NOT in trench. But possible problem area.



9/5/2018 976 MP 32.5 -80.215180, 38.919136

7,4 Possible large, sharp pieces of bedrock jutting into trench, ~1ft from pipe. May be compacted soils.



9/19/2018 1149 MP 32.53 -80.214378, 38.919136

5,5 Rocks under, surrounding, on top of pipe in trench. Foam(?) supports under pipe. Active filling of trench.



9/19/2018 1140 MP 32.93 -80.208432, 38.919796

1,6; 2;7 Large rocks jutting out of trench wall.



9/19/2018 1135 MP 33.1 -80.206711, 38.917928

3,8 Upper end of trench. Large rocks surrounding pipe.



9/19/2018 1125 MP 33.63 -80.204361, 38.910679

3,6 Just below the water, two rocks, large enough to cast shadows, sit in the trench to the right of the pipe. Lots of other boulder-or-bigger rocks visible along trench.



9/19/2018 1122 MP 33.8 -80.203613, 38.908424

5,5 Shattered bedrock lines the trench.



9/19/2018 1122 MP 33.85 -80.203325, 38.907572

5,1 Shattered bedrock lines the trench.



9/19/2018 1119 MP 33.95 -80.202791, 38.906005

6,5 Many large rocks in the trench with the pipe.



9/19/2018 1109 MP 34.48 -80.200574, 38.900071

3,7 Large rocks (jagged bedrock) jutting out of trench wall.; 3,8 Rocks in fill on top of pipe;



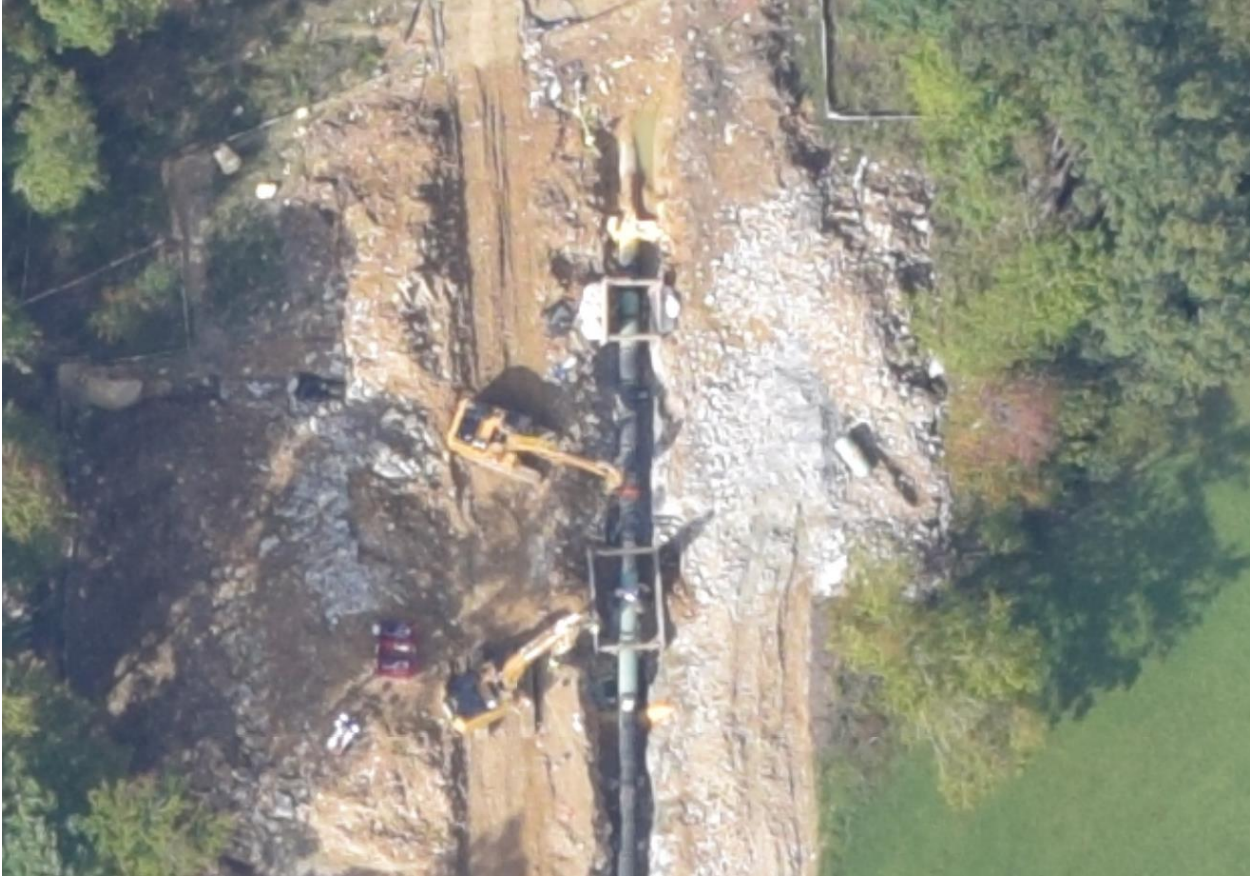
10/8/2018 1330 MP 33.9+/- -80.203345, 38.907729

6,3 Rock-lined trench. 6,7-6,8 Excavators either filling with rocky soil or digging rocks from around placed pipe.



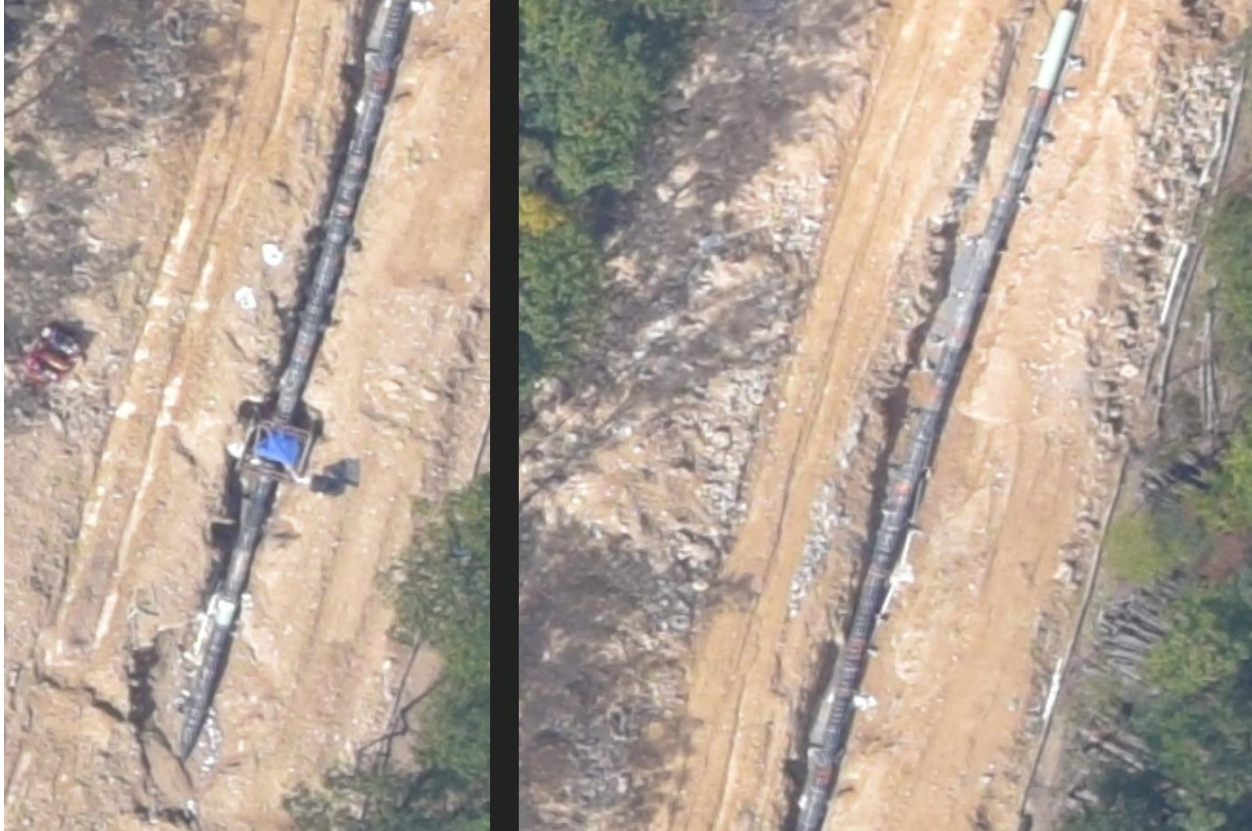
10/8/2018 1330 MP 33.9+/- -80.203345, 38.907729

6,7 Rock-lined trench.



10/8/2018 1330 MP 33.9+/- -80.203345, 38.907729

6,8 Excavators either filling with rocky soil or digging rocks from around placed pipe.



10/8/2018 1328 MP 34.06 -80.202660, 38.904767

8,4 Rocks and debris in trench as pipe daylights. Thru 8,6 Appears to be various types of debris in trench with pipe.



10/8/2018 879 MP 64.9 -80.137605, 38.558797

4,4; 4,6 Possible AOC - appears to be rocks or debris in trench under pipe; Bedrock jutting into trench w/in ~1ft of pipe.



10/8/2018 875 MP 65.25 -80.136085, 38.554210

5,5 Strung pipe in "Rock-lined ditch".



10/31/2018 1051 MP 35.75 -80.189626, 38.887708

4,3 Possible issue with bedrock jutting into very narrow trench. Debris in trench.



10/31/2018 1014 MP 37.82 -80.174899, 38.866629

5,4 Bedrock jutting into trench, bounders in trench



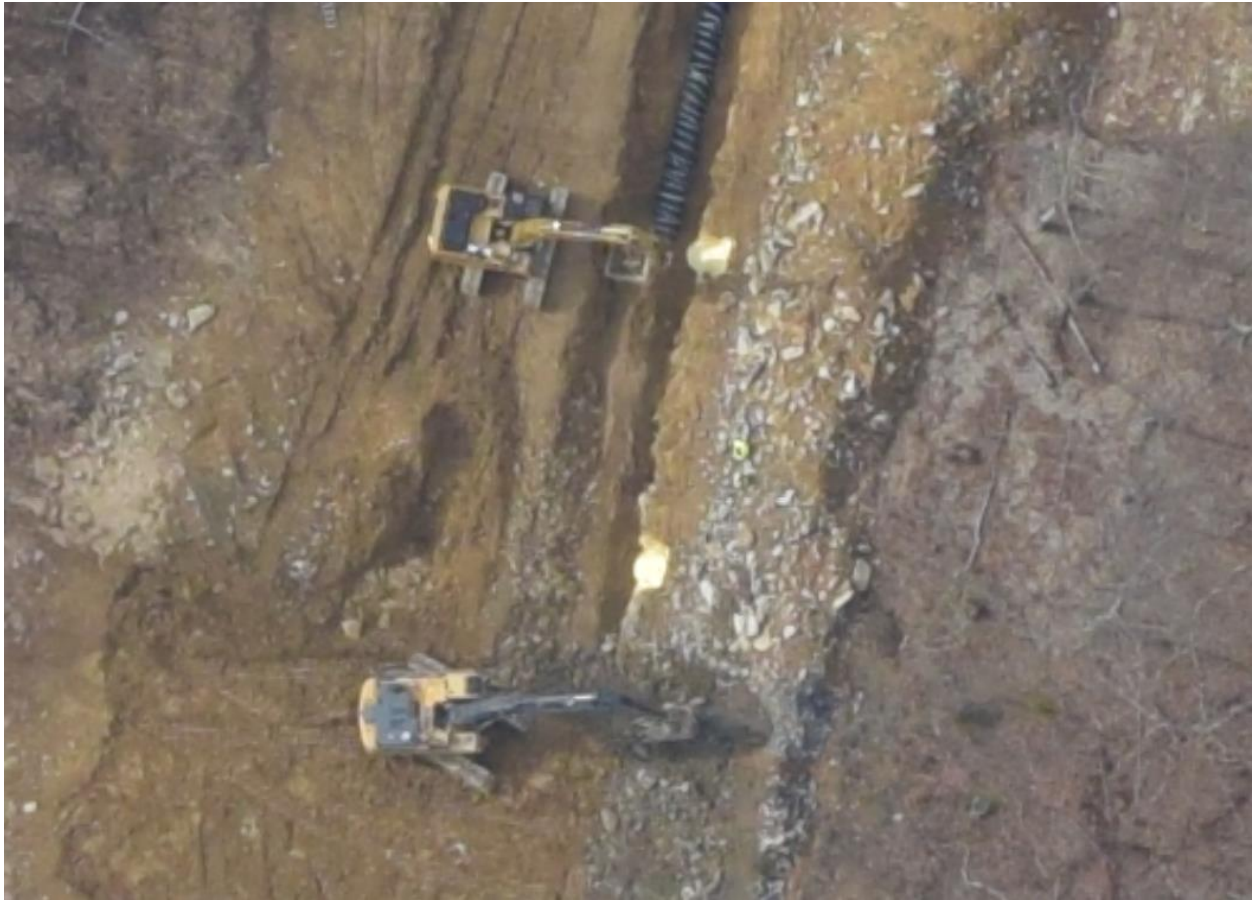
10/31/2018 1014 MP 37.82 -80.174899, 38.866629

5,6 Possible not-to-spec supports or "spacers" between pipe and trench wall.



11/18/2018 956 MP 38.65 -80.164731, 38.859734

5,5 Rocks in trench with pipe as it daylight; 5,8 Bedrock jutting into trench on right w/in 1ft of pipe.



11/18/2018 944 MP 39.37 -80.158027, 38.853101

5,7 Active filling of rocky soil into trench on top of pipe. Does appear to be sifted fill underneath. More of the big foam (?) spacers.



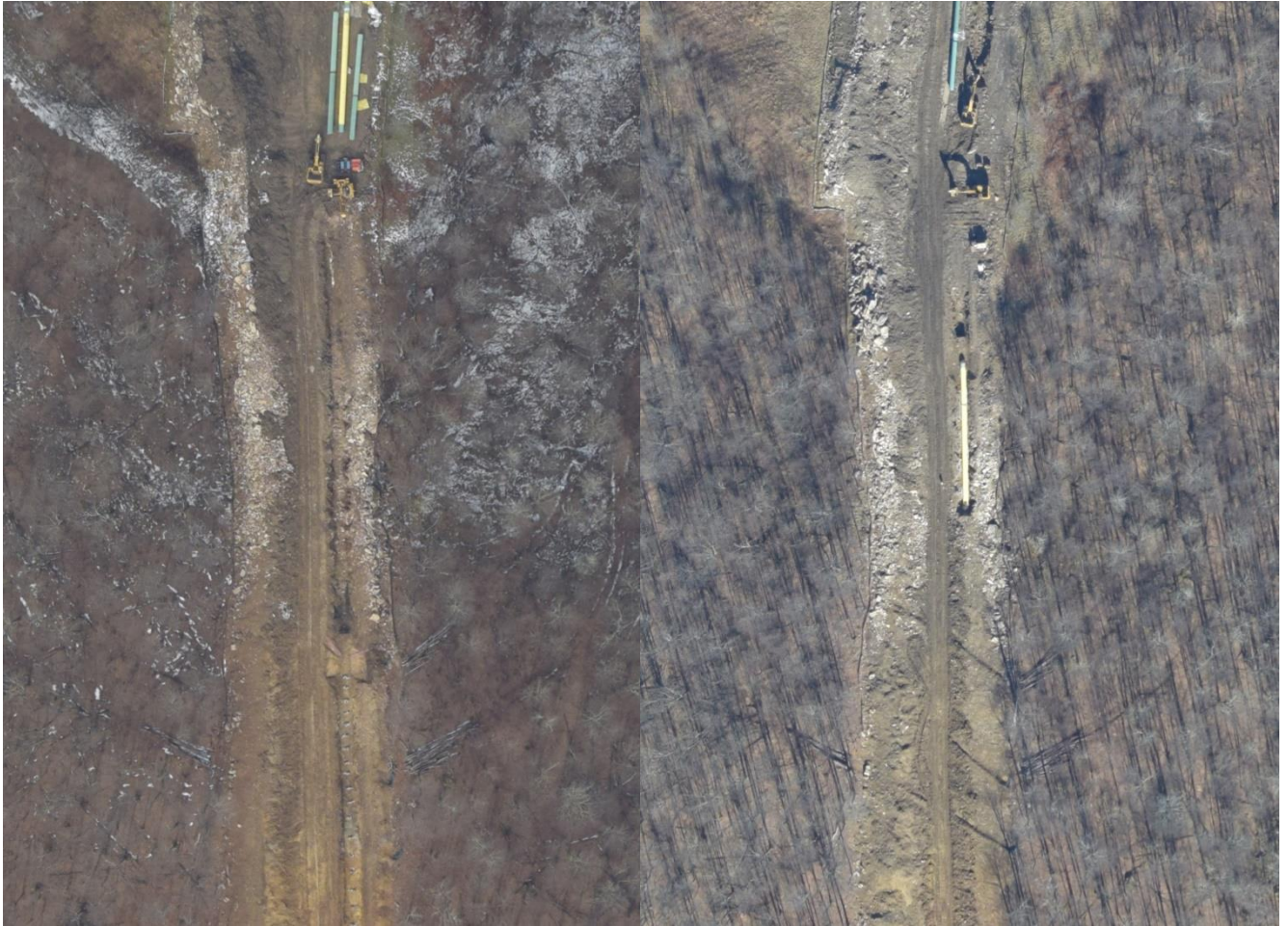
12/18/2018 952 MP 39.6 -80.154102, 38.851847

4,3; 4,5 Rocks and debris at open pipe end in trench; Rock/debris under against pipe in trench. Poor lighting...best available.



12/18/2018 938 MP 40.6 -80.139586, 38.844175

3,4 Pipe daylights into "rock-lined ditch".



11/18/2018 554 4,7

12/18/2018 538 4,5

MP 65.66 -80.136532, 38.548243

Trench excavated in rocky soil. Pipe placed in trench with large rocks protruding from trench wall. Rocks in trench. Fill appears to contain rocks.



12/18/2018 538
Zoomed