



## ABRA Update #251 – October 31, 2019

### Judges Raise Pointed Questions About ACP Air Permit Approval

The Fourth Circuit Court of Appeals heard on October 29 arguments in the case challenging the permit issued by the Virginia State Air Pollution Control Board for the Atlantic Coast Pipeline (ACP) compressor station proposed for Buckingham County, VA. The case, brought by ABRA member Friends of Buckingham and argued by the Southern Environmental Law Center (SELC) and the Chesapeake Bay Foundation (CBF), questioned the appropriateness of the location of the compressor station being proximate to the historic Union Hill African American community.

A primary issue raised by SELC and CBF was whether the Air Board had properly weighed the health effects the facility would have on the Union Hill community. The [Air Board had based its January 2019 decision](#) on a comparison of projected emissions from the compressor station with emissions data for the entire state of Virginia. The three judges on the Fourth Circuit panel challenged that comparison, suggesting that a more relevant comparison would be between emissions expected in the Union Hill community with air quality in other areas of Buckingham County, farther away from the compressor station.

A second issue raised in the plaintiff's argument was that the compressor station engines would be powered by natural gas that would emit fine particle matter, rather than by electric engines (as is the case with many compressor stations) which produce no air emissions. The State's attorneys responded that Virginia law didn't require the Air Board to take that into consideration in deciding whether to issue the facility's permit.

An audio recording of the oral arguments made before the Court (57-minutes) is available by clicking [here](#). A decision on the case is anticipated to be announced by the Court sometime in early 2020.

### Friends of Nelson Honored for Its Community Contributions

Friends of Nelson, a founding member of ABRA, was given the Community Stalwart Award by the Property Rights and Pipeline Center (PRPC), a national coalition supporting the fight to prevent the use of eminent domain for siting of oil and gas infrastructure. ABRA is a member of PRPC.

The award was presented to Friends of Nelson for its "generous donation of time, toil, and inspiration in the struggle for a cleaner America." The stated mission of Friends of Nelson (<http://friendsofnelson.com/>) is to protect property rights, property values, rural heritage and the environment for all the citizens of Nelson County, Virginia." Doug Wellman, Vice-President of the organization, accepted the award on October 29 at the annual conference of PRPC, held in Washington. The conference featured an address by Richard Glick, a member of the Federal Energy Regulatory Commission, and included visits with Members of Congress by teams of landowners affected by pipeline projects from throughout the country.

For more on PRPC, click [here](#). Congratulations to Friends of Nelson. Well deserved!

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

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

#### **Under questioning by 4th Circuit at pipeline hearing, state concedes Union Hill's racial status**

- Richmond Times-Dispatch – 10/29/19  
[https://www.richmond.com/news/virginia/plus/under-questioning-by-th-circuit-at-pipeline-hearing-state-concedes/article\\_2f37c452-6238-595f-bceo-be4e70583850.html](https://www.richmond.com/news/virginia/plus/under-questioning-by-th-circuit-at-pipeline-hearing-state-concedes/article_2f37c452-6238-595f-bceo-be4e70583850.html)
- Related:  
- <https://www.southernenvironment.org/news-and-press/news-feed/union-hill-has-day-in-court>

#### **Court's decision on pipeline case a bump in the road**

- The Recorder – 10/31/19  
[https://www.abralliance.org/wp-content/uploads/2019/10/Court's-decision-on-pipeline-case-a-bump-in-the-road-Recorder\\_20191031.pdf](https://www.abralliance.org/wp-content/uploads/2019/10/Court's-decision-on-pipeline-case-a-bump-in-the-road-Recorder_20191031.pdf)
- The Supreme Court's recent decision to hear Dominion's appeal for reinstatement of the permit to cross the Appalachian Trail is a bump in the road, not the end of the story. However this case is decided, the Atlantic Coast Pipeline faces many more challenges.

#### **Dominion's green energy package comes with a catch: coal. Businesses aren't happy.**

- Virginia Mercury – 10/30/19  
<https://www.virginiamercury.com/2019/10/30/dominions-green-energy-package-comes-with-a-catch-coal-businesses-arent-happy/>
- Renewable energy facilities that cannot operate without coal?! Only in Dominion's Bizarro Universe!

#### **New "Climate in the Boardroom" Report: Dominion Energy Needs "independent chair policy to provide additional oversight"**

- Blue Virginia – 10/26/19  
<https://bluevirginia.us/2019/10/new-climate-in-the-boardroom-report-dominion-energy-needs-independent-chair-policy-to-provide-additional-oversight>

#### **Duke Energy NC president: Climate and the case for natural gas**

- The Charlotte Observer – 10/27/19  
<https://www.charlotteobserver.com/opinion/opn-columns-blogs/article236646828.html>
- Duke Energy urges citizens to exercise restraint, use good judgement, protect Duke's profits.

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

#### **Expenses and delays continue for Mountain Valley Pipeline, where work has halted again**

- WV Metro News – 10/27/19  
<http://wvmetronews.com/2019/10/27/expenses-and-delays-continue-for-mountain-valley-pipeline-where-work-has-halted-again/>
- The pipeline's update that was released last week included a detailed set of cautionary statements that suggested any predictions about the completion date or cost still could be subject to varying factors such as continued litigation, regulatory questions, costs or the weather.

#### **Appalachian Natural Gas Execs Fearful of Northeast Energy Policies**

- Natural Gas Intelligence – 10/28/19  
<https://www.naturalgasintel.com/articles/120019-appalachian-natural-gas-execs-fearful-of-northeast-energy-policies>

#### **U.S. natgas glut dims outlook for big producers as prices head to 25-year low**

- Reuters – 10/30/19  
<https://www.reuters.com/article/us-usa-naturalgas-chesapeake-energy-idUSKBN1X92AN>

## Big Picture:

### Americans would rather reduce oil and gas exploration than ‘drill, baby, drill’

- The Washington Post – 10/25/19

<https://www.washingtonpost.com/climate-environment/2019/10/25/americans-would-rather-reduce-oil-gas-exploration-than-drill-baby-drill/>

Fewer than 15% of Americans think oil and gas exploration should be expanded on land and sea.

### We cannot allow FERC to ignore our climate crisis

- The Hill – 10/24/19

<https://thehill.com/opinion/energy-environment/467161-we-cannot-allow-ferc-to-ignore-our-climate-crisis>

Related:

- <https://www.forbes.com/sites/andystone/2019/10/31/the-partisan-threat-to-us-energy-regulation/#32c91cf95ad5>

### 11 attorneys general urge FERC to respect state energy rights

- Utility Dive – 10/29/19

<https://www.utilitydive.com/news/eleven-attorneys-general-urge-ferc-to-respect-state-energy-rights/566000/>

Republican administration, Republican-lead FERC. Wasn't it Republicans who always stood as “champions of state's rights”?

### California's blackouts could make fighting climate change even harder

- Los Angeles Times – 10/29/19

<https://www.latimes.com/environment/story/2019-10-29/california-power-outages-wildfires-climate-change>

“Electrify Everything” becomes a tough sell when the lights won't stay on.

### Details emerge about Department of Energy's ‘super-grid’ renewable study

- E&E News – 10/30/19

<https://energynews.us/2019/10/30/national/details-emerge-about-department-of-energys-super%e2%80%91grid-renewable-study/>

It will work, deliver power where and when it's needed and produce huge financial benefits. But then there's politics...

### Latest BNEF Report Finds Levelized Cost Of Renewables Continues To Fall

- CleanTechnica – 10/30/19

<https://cleantechnica.com/2019/10/30/latest-bnef-report-finds-levelized-cost-of-renewables-continues-to-fall/>

By 2030, report authors expect new renewables to be cheaper than running existing fossil fuel assets on a global scale. Let's hope they are right!

### Huge Battery Investments Drop Energy-Storage Costs Faster Than Expected, Threatening Natural Gas

- Forbes – 10/29/19

<https://www.forbes.com/sites/jeffmcMahon/2019/10/29/huge-battery-investments-drop-energy-storage-costs-threaten-natural-gas-industry/#b3ed8857c3b1>

One more indication that the Natural Gas Bridge was pretty dang short!

### This is what 2030 could look like if we win the war on climate change

- World Economic Forum – 10/31/19

<https://www.weforum.org/agenda/2019/10/what-happens-if-we-beat-climate-change/>

Early and optimistic? Sadly, I'd say “yes”. Unattainable? “No.” But nobody ever accomplished much by aiming low. I know *I'd* rather have an urban life that resembles this, rather than D.C. Atlanta, L.A., etc. Living in a city in the US offers lots of opportunities...if you are willing to deal with the hassle of getting to and affording them.