



## **ABRA Update #270 – April 2, 2020**

### *Issue Highlights . . .*

- ABRA Unveils New Pipeline Mapping Systems
- Clarification Sought from Virginia DEQ on Storage Yard Requirements
- Webinar Planned for April 9 on COVID-19 and the Gas Power Industry
- SELC Urges FERC To Uphold Tree Clearing Requirements for ACP
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### **ABRA Unveils New Pipeline Mapping Systems**

Two new online mapping systems have been created by ABRA to assist allies who are fighting the Atlantic Coast Pipeline and other pipeline projects in the Hampton Roads area of Virginia and in North Carolina. Both systems are based on geographic information system (GIS) technology, like ABRA's CIS mapping system for the Atlantic Coast Pipeline (ACP).

The Hampton Roads Anti-Pipeline Education Map includes the rest of the ACP route from Buckingham County to the North Carolina border and to Portsmouth, VA, plus two pipeline projects of the Virginia Gas Company, the Header Improvement Project and the Southside Connector Pipeline.

The North Carolina Pipeline Watch Mapping System (NCPWP) depicts the ACP route from the Virginia boarder south to the terminus of the project. It includes updated stream crossings and new land ownership data and is designed to assist our allies in North Carolina to better monitor any construction activity of the ACP. For more information the ACP monitoring effort in North Carolina, visit [www.NCPipelineWatch.org](http://www.NCPipelineWatch.org).

To access the new mapping systems, click [here](#).

### **Clarification Sought from Virginia DEQ on Storage Yard Requirements**

ABRA has asked the Virginia Department of Environmental Quality (DEQ) for clarification in how the agency reviews land-disturbing activities associated with a pipeline project, such as the Atlantic Coast Pipeline (ACP), but which are removed from the actual route of the project, such as equipment storage yards. Conversations with DEQ staff have suggested that the review standards for erosion and sediment control plans and stormwater plans of such sites would not be subject to the same standard as similar construction work unrelated to a pipeline project. For instance, the DEQ has previously ruled that detailed stormwater management plans for the ACP need not be submitted for approved based on an assumption that the runoff characteristics for finished pipeline rights of way would be unchanged from pre-development conditions. ABRA's letter to DEQ Director David Paylor is available [here](#).

### **Webinar Planned for April 9 on COVID-19 and the Gas Power Industry**

A webinar co-hosted by *Reuters Events* and *Petrochemical Update* will be held Thursday, April 9 at 10 am (EDT) to explore the impact the short and long-term impact of the COVID-19 pandemic on the gas power industry. The hour-long session will feature assessments by Jim Hempstead, Managing Director for Moody's Investors Service, and Tom Sanzillo, Director of Finance for Institute for Energy Economics and Financial Analysis. To register for the webinar, click [here](#).

## **SELC Urges FERC To Uphold Tree Clearing Requirements for ACP**

The Federal Energy Regulatory Commission (FERC) has been urged to reject any request the agency might receive from Atlantic Coast Pipeline, LLC to bypass tree clearing restrictions under provisions of the Migratory Bird Treaty Act (MBTA). In a March 27 letter, the Southern Environmental Law Center (SELC) pointed out that FERC's certificate for the Atlantic Coast Pipeline (ACP) called for compliance with MBTA provisions. The issue arises because of a February 2020 proposal by the U.S. Fish and Wildlife Service (FWS) to rollback protections for incidental takes against migratory birds. SELC filed comments with FWS on March 19 on behalf of ABRA and several of its member organizations, taking exception to the proposed FWS changes. The SELC letter points out that ACP had asked FERC in March 2018 for permission to bypass tree clearing restrictions, a request that FERC denied.

A copy of SELC's letter to FERC, which includes its FWS comments, is available [here](#).

## **VA. WV Announce Environmental Enforcement Policies During Pandemic**

The recently announced U.S. EPA policy on enforcement discretion during the COVID-19 pandemic has prompted the Virginia Department of Environmental Quality (DEQ) and the West Virginia Department of Environmental Protection (DEP) to issue clarifying guidance.

The [DEQ statement, issued March 31](#), says:

All regulated entities are expected to make every effort to comply with environmental compliance obligations, adhere to permit limits, and maintain the safe and environmentally protective operation of their facilities. We recognize this is an unprecedented public health crisis. DEQ must balance environmental protection with protecting the public's health. As we all continue to navigate through this crisis, DEQ staff will consider non-compliance issues resulting from COVID-19 on a case-by-case basis, but by no means does this crisis equal a free pass for the regulated community.

However, should growing health concerns and public safety recommendations resulting from COVID-19 and [Governor Ralph Northam's Executive Order 51](#) declaring a state of emergency in Virginia affect normal operations, DEQ will review non-compliance issues on a case-by-case basis and exercise enforcement discretion as appropriate.

The [WV DEP issued a statement on March 27](#) saying:

It is important to note that the WVDEP expects facilities to continue to be operated in a manner that fully protects human health and the environment. This includes, but is not limited to, continued operation and monitoring pollution control devices, record-keeping, maintenance, testing, and reporting requirements. If compliance is not reasonably practicable due to issues related to COVID-19 pandemic, facilities with environmental compliance obligations should contact the WVDEP and follow the requirements outlined in the EPA memorandum listed here: <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>.

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

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

#### **Is It the Death Knell For Dominion's Pipeline?**

- Bacon's Rebellion – 3/29/20

<https://www.baconsrebellion.com/wp/is-it-the-death-knell-for-dominions-pipeline>

There is clear evidence that the fracking boom is over, or will at least struggle in the medium term, and that has huge implications for the ACP.

### Photo Project Spotlights Pipeline Impact

- Bacon's Rebellion – 3/31/20

<https://www.baconsrebellion.com/wp/photo-project-spotlights-pipeline-impact>

Related: The related Story Map, a product of this project aided by ABRA and the Pipeline Air Force.

- <https://conservationphotographers.org/?expedition=the-atlantic-coast-pipeline>

### With a framework for Virginia's energy transition in place, here's what happens next

- Virginia Mercury – 3/31/20

<https://www.virginiamercury.com/2020/03/31/with-a-framework-for-virginias-energy-transition-in-place-heres-what-happens-next/>

### Should Northam Reconsider Renewable Energy Legislation in Light of Pandemic?

- NPR RadioIQ – 4/2/20

<https://www.wvtf.org/post/should-northam-reconsider-renewable-energy-legislation-light-pandemic#stream/0>

No. No better time to double-down on Clean Energy than when investing in job recovery. This may be worth a call and letter campaign...

Related:

- <https://www.virginiamercury.com/2020/03/27/virginia-made-big-commitments-to-renewables-what-does-the-economic-slump-mean-for-them/>

### Virginia Regulators Reject Key Parts of Dominion's Smart Meter, Grid Upgrade Plan

- Greentech Media – 3/27/20

<https://www.greentechmedia.com/articles/read/virginia-regulators-reject-most-expensive-parts-of-dominions-grid-modernization-smart-meter-plan>

### Dominion Energy completes acquisition of Pivotal LNG

- Kallanish Energy – 3/31/20

<https://www.kallanishenergy.com/2020/03/31/dominion-energy-completes-acquisition-of-pivotal-lng/>

Related:

- <https://insideclimatenews.org/news/31012020/shipping-lines-liquefied-natural-gas-methane-leaks>

## Regional/Mountain Valley Pipeline, other

### Bowers, Christopulos and Smusz: COVID-19 and an army of pipeline workers don't mix

- The Roanoke Times – 3/28/20

[https://www.roanoke.com/opinion/commentary/bowers-christopulos-and-smusz-covid-19-and-an-army-of-pipeline-workers-dont-mix/article\\_aff886d5-4f60-5da2-ae45-b3df75e2b7be.html](https://www.roanoke.com/opinion/commentary/bowers-christopulos-and-smusz-covid-19-and-an-army-of-pipeline-workers-dont-mix/article_aff886d5-4f60-5da2-ae45-b3df75e2b7be.html)

While the nation is shutting down public and private events and facilities, MVP developer EQT told investors in February that “we are planning to get back to construction at the end of April. . . . So construction will start ramping up.” They are pushing hard to complete construction in 2020 and have announced no significant changes.

### Federal reviews delay Mountain Valley Pipeline yet again

- The Roanoke Times – 3/27/20

[https://www.roanoke.com/business/federal-reviews-delay-mountain-valley-pipeline-yet-again/article\\_67351892-76e4-500c-bd6a-d0157f03852a.html](https://www.roanoke.com/business/federal-reviews-delay-mountain-valley-pipeline-yet-again/article_67351892-76e4-500c-bd6a-d0157f03852a.html)

Despite the slow process with that and two other sets of suspended permits, the joint venture of five energy companies says it still plans to finish the 303-mile pipeline by the end of this year.

### Johnson: A broader perspective on the MVP

- The Roanoke Times – 3/29/20

[https://www.roanoke.com/opinion/commentary/johnson-a-broader-perspective-on-the-mvp/article\\_3d1ccf84-b775-5b86-a3ec-5a14411c0e97.html](https://www.roanoke.com/opinion/commentary/johnson-a-broader-perspective-on-the-mvp/article_3d1ccf84-b775-5b86-a3ec-5a14411c0e97.html)

Those in charge of regulating and approving these projects and the politicians that back the pipelines (and the fossil fuel industry) must be held accountable for their complicity and the damage they inflict.

## Big Picture:

### Commentary: Outbreak shows we can confront climate change

- HeraldNet – 3/31/20

<https://www.heraldnet.com/opinion/commentary-outbreak-shows-we-can-confront-climate-change/>

Under normal circumstances, the climate catastrophe seems remote. Corporations think in terms of next quarter's results, and politicians worry about the next election. There is no incentive to take inconvenient action, so the powerful claim they "can't." This pandemic shows that they simply won't.

### Will the coronavirus kill the oil industry and help save the climate?

- The Guardian – 4/1/20

<https://www.theguardian.com/environment/2020/apr/01/the-fossil-fuel-industry-is-broken-will-a-cleaner-climate-be-the-result>

Related:

- <https://www.msn.com/en-us/money/markets/oil-prices-could-soon-turn-negative-as-the-world-runs-out-of-space-to-store-it/ar-BB120Qf6?li=BBnb7Kz>

### Trump's Environmental Rollbacks Find Opposition Within: Staff Scientists

- The New York Times – 3/27/20

<https://www.nytimes.com/2020/03/27/climate/trumps-environmental-rollbacks-staff-scientists.html>

Federal scientists and lawyers, told to undo regulations that some have worked on for decades, have embedded data into technical documents that environmental lawyers are using to challenge the rollbacks.

### The Constitutional Option to Fight the Climate Crisis

- The American Prospect – 3/27/20

<https://prospect.org/environment/constitutional-option-to-fight-climate-crisis/>

Ubiquitous pipelines crisscrossing America and worries over climate change raise the question: Does transporting *more* oil and gas serve the public interest?

### Virus Leads Pipeline Agency to Ease Job Qualification Rules

- Bloomberg – 3/23/20

<https://news.bloombergenvironment.com/environment-and-energy/virus-leads-pipeline-agency-to-ease-some-operator-requirements>

Nothing at all scary about THAT!

### 3 States Pass Anti-Pipeline Protest Bills in Two Weeks

- EcoWatch – 3/30/20

<https://www.ecowatch.com/anti-pipeline-protest-bills-2645583954.html>

In just two weeks, three states have passed laws criminalizing protests against fossil fuel infrastructure.

### TC Energy to Build Keystone XL Pipeline

- Oil & Gas 360 – 3/31/20

<https://www.oilandgas360.com/tc-energy-to-build-keystone-xl-pipeline/>

Another company decides not to waste a perfectly good crisis...and apparently bets on a long, robust recovery of oil prices post-pandemic.