

29 April 2020

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Rockbridge Planning Commission
County Administration Bldg.
150 S. Main Street
Lexington, VA 24450

Submitted by email

Dear Kimberly Hines, Melissa Hennis, David Whitmore, Robert Lucas, and Lee McLaughlin,

On behalf of a coalition of concerned groups including the Rockbridge Area Conservation Council (RACC), Allegheny-Blue Ridge Alliance (ABRA), Augusta County Alliance, and the Environment Committee of 50-Ways Rockbridge, who together represent the interests of hundreds if not thousands of members who are citizens of Rockbridge County, I write to express some of our concerns about the Atlantic Coast Pipeline, LLC (ACP) Proposed Contractor Yard in Goshen.

We are especially concerned that the absence of an open public hearing and further limits on public comment under pandemic guidelines will prevent adequate opportunity for scrutiny of the concerns many of us have about the construction yard. The public will have access to the entire Planning Commission packet only one week prior, and in an unknown form (online?) and place (since the public library is closed, the packet will be unavailable for the usual viewing of Planning documents). These conditions are not conducive to public transparency. In addition, presumably ACP will make a presentation at the May 13 meeting and answer commissioners' questions. The public should be able to hear this entire presentation and discussion and participate fully; unfortunately, citizen participation will be nigh impossible for those who have bandwidth or cell phone issues from their rural homes.

Given the public health and safety issues at stake, we respectfully request that the Planning Commission postpone consideration of the site plan or any other site work until full public participation and hearing can take place; given the Governor's Executive Order 55 et al. and positive developments on COVID-19, that could likely be in early summer.

If the May 13 meeting takes place, we ask the Planning Commission to deny ACP's request to approve the Goshen construction yard.

In advance of the May 13 meeting, we thank you for your attention to the following concerns. We hope you will consider all of these questions before you make any determination about the

suitability of the Goshen project, especially in light of the fact that we see no advantage, only potential risk, to the county in accommodating ACP's project. The "importance of the services provided by the proposed facility to the community" (Rockbridge Ordinances, 608.13-5) is nil.

County Ordinances and Zoning

According to the County Administrator, Rockbridge may permit this project without requiring any special exemption permits or variances, and with minimal county oversight. Please see the attached email to County Administrator Spencer Suter that outlines our strong disapproval of the County's potential lack of due diligence in treating the Goshen yard as a "by-right" project (1).

Why invest county resources in the ACP NOW?

The 42-inch natural gas Atlantic Coast Pipeline through neighboring Bath, Highland, and Augusta Counties is missing 8 key permits, the overall FERC certificate is being challenged in court, and ALL construction has been halted since December of 2018. We do not see what Rockbridge has to gain by going forward with the proposed Goshen project now. It is putting the cart way before the horse. The unknown duration of the current Covid-19 epidemic, too, presents other problems: pipeline construction workers are most certainly from out of state, likely to converge on Goshen in large groups that may or may not practice social distancing and frequent hand-washing. As per current Governor Northam's orders, restaurants are currently closed.

<https://www.wdbj7.com/content/news/Pipeline-opponents-raise-coronavirus-concerns-569237471.html>

Traffic and Road Safety, Site Considerations

That the proposed Goshen site is zoned Industrial is not sufficient reason to ignore potential safety issues. Dominion already has a permitted construction yard in Raphine, a site that has Interstate and industrial-suited traffic access. The infrastructure in that area supports that particular site. The Goshen site, on the other hand, is situated at the junction of rural Bratton's Road (Rt. 780) and Rts. 39 and 42. Does anyone really think the infrastructure in Goshen supports this project? What evidence do we have that this is the case?

One of the reasons the Board of Boy Scouts of America in 2009 rejected the Goshen site as a destination for their 10-day, quadrennial Jamboree was insufficient access via roads either through the Pass or along Brattons Run road as well as whether roads in the area could handle the traffic the jamboree would generate.

(https://www.roanoke.com/archive/goshen-ruled-out-as-site-of-boy-scout-jamboree/article_b8d07c27-9ec8-5aa8-afa2-0afa6f66bf1b.html).

A simple ingress/egress VDOT study is inadequate for assessing the traffic and road wear and tear that would result from the increase in car and large construction vehicle traffic on these roads, especially Bratton's Run. Do school buses usually travel that route? Will ACP be required to provide the county with a detailed work schedule and truck routes? How will construction vehicles travel to Bath County from Goshen? Who will be assessing the safety issues the

County will face on narrow bridges and roads, dangerous curves, potholes, and lack of pull-off areas and narrow shoulders? Will volunteer county emergency services be involved in the event of vehicular accidents, road closures?



ACP construction sites are noisy, brightly lit, dusty operations, at times active dawn to dusk, 7 days a week. What are the hours of operation planned for Goshen? Will there be exceptions to those hours? What will the lighting be? What about the noise levels?



For a more detailed traffic analysis that ACP has submitted in the past, please see the attachment to this email, WSPs Deerfield study, June 2018, (2).
 Rockbridge should be privy to more than a simple ingress/egress study—and have sufficient time to study it. Will the County see such detail?

Flooding, Erosion and Sedimentation of Waterways

First, it would be extremely unwise to approve any site plan before the County has had a chance to review DEQ Sedimentation and Erosion permit recommendations. We do not know if ACP has submitted its application to DEQ yet; in fact, we don't know if ACP has made FERC aware of their intent to add the Goshen site. In the absence of these state and federal requirements being met, Rockbridge is simply jumping the gun. Why rush? The County needs this information to properly review the Goshen site plan in a manner consistent with the County's Comprehensive Plan and ordinances.

The site plan we have at present would require 2 bridges, one a 50-ft timber bridge over wetlands. As typical of Dominion projects, the final location of 4 water crossings is "to be determined by Atlantic Coast Pipeline." Should not the county demand more detail about how our water quality will be protected? Should not ACP be asked to provide more information about

their stated pledge that the property shall be “restored back to the original condition of the land”? Does restored to original mean removal of bridges, clean-up of fuel and toxic materials spills, removal of gravel, replanting of trees?

During a recent flyover by ABRA, water was standing on the Goshen site close to a levee after only a few days of rain.





Cancel

ADJUST



Done



AUTO



This site potentially drains into Bratton's Run, posing a likely risk of sediment and other pollutants washing into the stream or the wetlands area. It is unlikely that any amount of erosion and sediment control and stormwater management will fix the fact that this low lying site will hold standing water after even relatively small storms. How can the county be assured that run-off will not enter Bratton's Run in the event of moderate or heavy rains? Will the county require an independent hydrological and hydraulic study of the site independent of ACP (but paid for by the developer)?

The Goshen site plan bears an eerie resemblance to the Lexington sawmill layout in the Kerr's Creek District. Both sites are quite closely bordered by streams, in one case Ford Run, in the other Bratton's Run. The Lexington Sawmill is currently in VPDES compliance negotiations through DEQs enforcement division, who will eventually hold a public hearing on this multi-year, sorry situation. We hope Rockbridge will consider acting proactively, rather than reactively, on the Goshen Project.

Finally, no one in Franklin County thought that 42 inch, heavy pipes from the Mountain Valley Pipeline would float, but float they did, right over into the yard of a landowner:
https://www.roanoke.com/news/local/flood-carries-a-piece-of-the-mountain-valley-pipeline-into/article_2f9eb2e6-71b4-566c-bce5-659ad31f2dea.html.

The stored items at Goshen could wash away in a flood and block a bridge or culvert crossing downstream. They could wind up in Bratton's Run. If they don't wash away, they force more floodwaters onto adjacent properties. Any pollution on the ground, and there will be pollution, will be carried downstream.

Health and Safety of Rockbridge Residents and Visitors

The Atlantic Coast Pipeline staging site is practically on top of Bratton's Run and is only a few hundred yards from the spot where Bratton's Run empties into the Calfpasture. The Calfpasture flows into the Maury River and into Goshen Pass barely two miles downstream. The Maury was just declared a Scenic River—with the support of the Board of Supervisors.

https://www.roanoke.com/news/local/stretch-of-maury-river-receives-state-scenic-designation/article_2ff0cd53-d9ae-5fbb-b963-95270fa7f52a.html

Given the dangerous chemicals that could be washed off the aging pipes (see next section), this creates a potentially serious public health problem. Bratton's Run has been monitored by RACC volunteers above the proposed site, and the waters have been clear and in excellent condition for almost 20 years. Do we want to take a risk with one of the state's natural treasures and face public health consequences by building a construction yard for a pipeline that can not be currently built?

Thousands of people flock to this natural treasure and swim in these waters every year. Do we want to risk their health?

In addition, at the upper end of the Maury, the stretch barely two miles from the ACP site is stocked with trout by the Virginia Department of Game and Inland Fisheries from October until June. When it is stocked, scores of fishermen can be seen pulling trout out of the river. Most of those trout get eaten. Sedimentation from the Goshen ACP site could have devastating effects on trout health in the Maury. Will erosion and sedimentation occur? Without a DEQ study in hand, how is the County to assess the risk?

Pipe Coating and materials pollution

In addition to inevitable machine oil leaks and gas spills that will occur at Goshen, the pipe segment coating is a concern. Pipes segments brought to Goshen will have been exposed to the sun for 4 years, long beyond recommended periods to ensure safety. Sunlight degrades the external pipe coating and leaves a chalky material on the pipes. Coating manufacturer 3M has stated that they expect that some of the chemical byproducts of the degraded coating will be toxic to aquatic life, and this degraded coating could wash off, or blow off the pipes as dust.

<https://www.nrdc.org/experts/amy-mall/pipeline-chemical-coatings-are-serious-concerns>



According to the ACP's Final Environmental Impact Statement (FEIS), ACP will use the lay down yards to apply a caustic concrete coating to pipes "when required for waterbody or wetland crossings." According to the FEIS, "In areas where concrete coating of pipe is required within the construction right-of-way, the coating activities would comply with the SPCC Plan. Concrete coating activities would take place a minimum of 100 feet from wetlands, waterbodies, and springs, and 300 feet from karst features." Will these wetlands distance standards be applied to the Goshen site?

It is also very possible that degraded pipe coating contains silica, a carcinogen by inhalation. This could put anyone near these pipes at risk. These risks have been brought to the attention of the Virginia Department of Health, which has expressed concern, and has written to FERC. FERC has not responded to VDH in writing yet, and advises that they will further analyze these concerns. We hope the Rockbridge Health Department will be consulted and notified about human health concerns related to coating and other toxic chemicals used at the Goshen site.

Have the pipe segments to be shipped to Goshen been sitting in the sun and degrading for longer than the manufacturer's recommended time? Will these activities be distance compliant from wetlands and waterbodies at the Goshen site? We think that Rockbridge deserves detailed information about the activities and materials that ACP intends to use at the site.



Conclusions

The unanswered questions herein about public health and safety, water quality in and protection of our scenic rivers and streams in the Maury watershed, as well as the viability of the pipeline project itself are many. These questions and others should be resolved through further study and adherence to the highest standards of scrutiny recommended in the County Comprehensive Plan and required in County Ordinances. The Planning Commission and Board of Supervisors should not put a stamp of approval on the Goshen site plan. If prudence prevails, planners will reject ACP's proposed contractor's yard at the May 13 meeting.

Thank you for your attention to these concerns, especially now, during the disruption to our community caused by the coronavirus threat. If you have any questions, please do not hesitate to email me at mpetty@marybaldwin.edu.

Sincerely,

Molly Petty

Attachments

1. Email to County Administrator Suter re: by-right ordinances, 24 April, 2020.
2. WSA 2018 Traffic Study for ACP Deerfield, Augusta Ct. laydown and construction yard (site ultimately rejected).

CC:

Rockbridge Board of Supervisors

(Buffalo).	Leslie E. Ayers
(Kerrs Creek)	Dan Lyons. Chair
(Natural Bridge)	David B. McDaniel
(South River)	R.W. Day. Vice Chairman
(Walkers Creek)	A.J. "Jay" Lewis, II

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