

The Recorder

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Out of gas

Pipeline project's demise a relief to area residents

July 09, 2020

BY JOHN BRUCE • STAFF WRITER



Lynn and Bill Limpert stood by a 300-year-old maple tree named Ona on their former part-time property in Little Valley before they knew about the Atlantic Coast Pipeline, which would have destroyed the tree. (Photo courtesy Bill Limpert)

MONTEREY — Dominion Energy and Duke Energy picked Sunday afternoon, July 5, to announce the end of the proposed Atlantic Coast Pipeline after years of delay and doubt.

The ill-fated \$8 billion project would have carried gas 600 miles from West Virginia to North Carolina, crossing Highland and Bath counties on the way.

Landowners Jeannette and Gary Robinson of Little Valley smiled because the pipeline that would have crossed their Bath County farm was now a thing of the past.

“My reaction was: I can’t believe it,” Ms. Robinson said. “For four years we have been hoping and praying we would beat them. We were the underdogs. They had the money and the power, but we had power, too.

“I can’t speak words about Southern Environmental Law Center and Appalachian Advocates. They’re amazing. And the experts we have, like Rick Webb, Lew Freeman and Rick Lambert.

“This is the first time in four years we’ve felt this kind of peace,” Ms. Robinson said.



“My hope is that this may serve as a tipping point in our journey of transitioning to renewable energy sources,” Fort Lewis Lodge owner John Cowden said. (Photo courtesy Fort Lewis Lodge)

The pipeline route was moved to northern Bath about four years ago from central Highland after the protected Cheat Mountain salamander won a partial victory for the opposition.

‘New beginning’

“My reaction on Sunday was initially disbelief,” Mr. Robinson said. “It will take time for this to sink in. This is a new beginning. Our side won out over the corporate propaganda. The gas was not needed.

“For us, it’s the vindication of everyone opposing the project over the last several years. It’s too good to believe, but that’s the reality. It’s hard to believe it really happened.

“The good thing is we know so much more about how to protect our land. We have an endangered species on our farm — the rusty patched bumble bee. We have so much knowledge to protect this area from here on out,” he said.

Landowner Anne Bryan said she and her husband felt a broad sense of gratitude on the pipeline project’s end.

“Joe and I notice our shoulders drop as we confirm the cancellation of the proposed ACP; we release years of tension; the land we steward seems to heave a sigh of relief. We feel a palpable shift in ourselves and our environment.

“We are grateful for the multitude of friends, acquaintances, and sense of community birthed through our adventures with the proposed ACP and our interactions with associated individuals. I am grateful for the opportunities the project provided to us — opportunities to increase awareness, empathy, compassion, and devotion to cause; to exercise resilience; and to participate in caring for the planet through voice and action.

“Part of the challenge of fighting the pipeline was organizing individuals who do not have internet access and keeping them informed,” Bryan said. “The Recorder did a phenomenal job of that. For the work (the newspaper) did in educating so many, we are forever grateful. We appreciate the newspaper for its role in providing an outlet for native residents and newcomers to find and speak their voice about this important topic.”

“We are in a state of euphoria,” said longtime pipeline opponent Bill Limpert, formerly a part-time resident of Little Valley and now living with his wife, Lynn, in Maryland. “I can imagine all of the good vibes in Highland, Bath, and all along the line — hey, no more line!”

“Dominion has yanked along Highland County folks for six years, and I’m just sorry for the turmoil it has caused,” supervisors chair David Blanchard said. “I know there are a lot of landowners who are breathing a sigh of relief, but there are also folks who looked toward the ACP for work and had made personal investments; that’s a hard loss.

“From this supervisor’s perspective, the revenue generated from ACP may have been a boost to Highland. However, Dominion should have done better a job of building relations with our community and instilling confidence toward the project. Public sentiment in Highland was never fully there,” Blanchard said.

‘Good riddance’

“Highlanders for Responsible Development is very pleased that Dominion Energy and Duke Energy have decided to abandon their plans to build the Atlantic Coast Pipeline (ACP),” said HRD president Rick Lambert. “As one of the founding members of the coalition that led the fight against the ACP, the Allegheny- Blue Ridge Alliance, HRD has been at the forefront of the effort to defeat the project, including being a plaintiff in several of the successful legal challenges that led to the decision to shut down the project. The ACP would have brought no

benefit to the greater Allegheny Highlands area, and instead would have created long-term environmental damage to our region. Good riddance to the ACP!”

C. Nelson Hoy of Williamsville added, “The battle to discourage Dominion from building what eventually became known as the Atlantic Coast Pipeline began six years ago in July of 2014 with (a) letter to the board of directors of Dominion Resources. The board of directors condescended by not replying to this letter from Berriedale Farms, Lizzie and I.

“The second shot across their bow was the convening of round table discussions that resulted in the formation of the Allegheny-Blue Ridge Alliance in August of 2014, and the third shot was to make the pipeline a multi-year issue for the Cowpasture River Preservation Association. Dominion has now thrown in the towel and sold its assets to Berkshire Hathaway.”

“It is now apparent to all that Dominion never established a case for the need for the pipeline,” said Fort Lewis Lodge owner John Cowden, whose property fell in the proposed route. “The good news for the environment is that, in the end, the ACP was just not an economically viable project. My hope is that this may serve as a tipping point in our journey of transitioning to renewable energy sources. My sincere gratitude goes out to ABRA and the entire community under their umbrella.”

In a news release, Dominion and Duke cited ongoing delays and increasing cost uncertainty that “threaten the economic viability of the project” as the reason for cancelation. “Despite last month’s overwhelming 7-2 victory at the United States Supreme Court, which vindicated the project and decisions made by permitting agencies, recent developments have created an unacceptable layer of uncertainty and anticipated delays for ACP,” the company said. “Specifically, the decision of the United States District Court for the District of Montana overturning long-standing federal permit authority for waterbody and wetland crossings (Nationwide Permit 12), followed by a Ninth Circuit ruling on May 28 indicating an appeal is not likely to be successful, are new and serious challenges. The potential for a Supreme Court stay of the district court’s injunction would not ultimately change the judicial venue for appeal nor decrease the uncertainty associated with an eventual ruling.

‘Too uncertain’

“The Montana district court decision is also likely to prompt similar challenges in other circuits related to permits issued under the nationwide program including for ACP,” the companies explained.

“This new information and litigation risk, among other continuing execution risks, make the project too uncertain to justify investing more shareholder capital. For example, a productive tree-felling season this winter is a key milestone to maintaining the project’s cost and schedule. Unfortunately, the inability to predict with confidence the outcome of the project’s permits and the potential for additional incremental delays associated with continued legal challenges, means that committing millions of dollars of additional investment for tree-felling and subsequent ramp up for full construction is no longer a prudent use of shareholder capital.

“A series of legal challenges to the project’s federal and state permits has caused significant project cost increases and timing delays. These lawsuits and decisions have sought to dramatically rewrite decades of permitting and legal precedent including as implemented by presidential administrations of both political parties. As a result, recent public guidance of project cost has increased to \$8 billion from the original estimate of \$4.5 to \$5.0 billion. In addition, the most recent public estimate of commercial in-service in early 2022 represents a nearly three-and-a-half-year delay with uncertainty remaining.”

Thomas Farrell, Dominion Energy chairman, president, and chief executive officer, and Lynn Good, Duke Energy chair, president, and chief executive officer, said in a statement, “We regret that we will be unable to complete the Atlantic Coast Pipeline. For almost six years we have worked diligently and invested billions of dollars to complete the project and deliver the much-needed infrastructure to our customers and communities. Throughout we have engaged extensively with and incorporated feedback from local communities, labor and industrial leaders, government and permitting agencies, environmental interests and social justice organizations. We express sincere appreciation for the tireless efforts and important contributions made by all who were involved in this essential project. This announcement reflects the increasing legal uncertainty that overhangs large-scale energy and industrial infrastructure development in the United States. Until these issues are resolved, the ability to satisfy the country’s energy needs will be significantly challenged.”

The news release continued, “The Atlantic Coast Pipeline was initially announced in 2014 in response to a lack of energy supply and delivery diversification for millions of families, businesses, schools, and national defense installations across North Carolina and Virginia. Robust demand for the project is driven by the regional retirement of coal-fired electric generation in favor of environmentally superior, lower cost natural gas-fired generation combined with widespread growing demand for residential, commercial, defense, and industrial applications of low-cost and low-emitting natural gas. Those needs are as real today as they were at project inception as evidenced by the recently renewed customer subscription of approximately 90 percent of the project’s capacity. The project was also expected to create thousands of construction jobs and millions of dollars in tax revenue for local communities across West Virginia, Virginia and North Carolina.

“The companies remain steadfast in the belief that fuel diversity, including renewables, nuclear, and natural gas, is critical for reliably and sustainably serving our customers and communities. Both will continue aggressively pursuing the development of renewables, storage, nuclear license renewals, electric vehicle infrastructure, energy delivery infrastructure, as well as energy efficiency and demand side management programs to meet their customers’ needs while creating jobs and spurring new business growth in the aforementioned regions. “Dominion Energy and Duke Energy will separately provide additional information for their respective stakeholders and shareholders as relates to the company specific financial, environmental, operational, and other impacts of this announcement.”

‘Win for all’

Wild Virginia, which had opposed the project from its inception, applauded the decision.

David Sligh, Wild Virginia's conservation director, said, "Citizens told Dominion and all of the government agencies who were tasked with protecting us that this was a horrible idea; finally, after causing so much pain and worry for so many, these companies have made a decision that is actually in the interest of their customers and the people their actions affect.

"This is a win for all of the thousands of people who have banded together in the most amazing uprising for environmental protection and environmental justice in Virginia's history," he added.

"Now, we will be pushing to make sure our state officials never let this kind of travesty happen again. Our water and air protection laws were more than strong enough to have empowered the Department of Environmental Quality and the air and water boards to stop this project and the Mountain Valley Pipeline years ago. This time they failed but we don't intend to allow that to happen again."

Lew Freeman, executive director of the Allegheny-Blue Ridge Alliance — a coalition of more than 50 organizations in Virginia and West Virginia formed in 2014 to oppose the project — said ABRA is elated.

"ABRA has contended for six years that the ACP was not needed to meet the future energy needs of their customers," Freeman said. "Furthermore, the ACP has been wrongheaded from the start, presenting threats to the environment and the safety and prosperity of the communities through which it would have been built that did not justify the project. We are glad to see that Dominion and Duke have come to their senses and arrived at the same conclusion."

Southern Environmental Law Center Senior attorney Greg Buppert said, "This is a victory for all the communities that were in the path of this risky and unnecessary project. The Atlantic Coast Pipeline was wrong from the start. After years of opposition, legal defeats and threats to the environment, SELC is relieved to see Duke and Dominion make the right decision to walk away from it. This is a great day for the people of Union Hill, for public lands, for landowners in the path, and for all North Carolinians and Virginians who deserve a clean energy future and are no longer on the hook to pay for this \$8 billion pipeline.

"Over the last six years, SELC has been honored to represent a dedicated and tireless group of conservation organizations opposed to the pipeline: Alliance for the Shenandoah Valley,

Cowpasture River Preservation Association, Defenders of Wildlife, Friends of Buckingham, Friends of Nelson, Jackson River Preservation Association, Highlanders for Responsible Development, Piedmont Environmental Council, Potomac Riverkeeper Inc., Shenandoah Riverkeeper, Shenandoah Valley Battlefields Foundation, Sierra Club, Sound Rivers, Inc., Virginia Wilderness Committee, and Winyah Rivers Foundation. Today's outcome would not be possible without their energy and commitment," Buppert said. "The Atlantic Coast Pipeline was an anvil that would have stymied investment in renewable energy for decades, harmed vulnerable communities, and crushed mountainsides," he said. Mike Tidwell, executive director of the Chesapeake Climate Action Network, also weighed in on the decision. "Just one day after July 4th, America is stunningly closer to true energy independence with the cancellation of the

Atlantic Coast Pipeline,” he said. “The fossil fuel era is rapidly drawing to a close in Virginia and nationwide thanks to the ferocious six-year opposition to this destructive pipeline.

‘Boondoggle’

“That opposition was waged by environmentalists, farmers, justice groups and common citizens across the region. This pipeline was a boondoggle from the moment it was announced by Dominion CEO Tom Farrell and then-Virginia Gov. Terry McAuliffe in September 2014. The Chesapeake

Climate Action Network is proud to have been one of the first statewide environment groups to take up this cause, to organize our supporters, to protest with everything from letters to the editor to civil disobedience,” Tidwell continued. “We want to thank all our partners in this long struggle,” he added “They include, but are not limited to, Friends of Buckingham, Friends of Nelson, Wild Virginia, Rick Webb, David Sligh, the Allegheny-Blue Ridge Alliance, Lewis Freeman, Bill and Lynn Limpert, Appalachian Voices, Appalachian Mountain Advocates, Southern Environmental Law Center, Pastor Paul Wilson, Virginia Chapter of the Sierra Club, Virginia League of Conservation Voters, Virginia Conservation Network, and so many more. Special thanks to current and past CCAN staff and board members who put everything they had – for years – into stopping this pipeline. We never gave up.”

The Berkshire Hathaway Energy deal is valued at \$9.7 billion. Under terms of the agreement, Berkshire Hathaway Energy acquires 100 percent of Dominion Energy Transmission, Questar Pipeline and Carolina Gas Transmission, as well as 50 percent of Iroquois Gas Transmission System and 25 percent of Cove Point LNG, an export-import and storage facilities for liquefied natural gas developed by Dominion on the Chesapeake Bay in Maryland.

The company did not acquire assets related to the Atlantic Coast Pipeline.

Chair and CEO Warren Buffett said Berkshire is “proud to be adding such a great portfolio of natural gas assets to our already strong energy business.” Buffett is considered one of the most successful investors in the world and has a net worth of \$88.9 billion as of December 2019, making him the fourth-wealthiest person in the world. Berkshire Hathaway contains securities worth more than \$216 billion.

Up until Sunday, the Federal Energy Regulatory Commission was receiving hundreds of comments from individuals and organizations pleading for the regulators not to extend the pipeline construction deadline two years. One person recapped an Ohio regulatory probe into the explosion of a Dominion-built pipeline last year. He is William Porter of Roseland, a mechanical engineer with more than 35 years of design and construction contract administration experience. Porter told FERC, “My experience includes natural gas pipelines successfully built across the country in diverse environments from soils subject to earthquake liquefaction in California to karst and landslide-prone mountains in Virginia,” Porter said in his letter.

Unanswered questions

“This experience caused me to question how Atlantic could build a safe pipeline through certain vulnerable segments of the proposed ACP route. Most of my technical questions to Atlantic were met by silence. When Atlantic finally responded, their response was through outside attorneys hired by Dominion Energy rather than engineers. This gave me pause – especially when they seemed more intent on misdirection rather than answering my technical questions regarding public safety,” Porter said.

A Dominion-built pipeline in Ohio exploded last year after two weeks of operation, Porter pointed out to FERC.

“A Public Utility Commission of Ohio staff report relative to compliance with Natural Gas Pipeline safety standards documents PUCO related staff findings regarding the November 15, 2019 explosion of a 30-inch coated steel natural gas distribution main in Pepper Pike, Ohio. This explosion occurred in a 30-inch distribution main operating at 193 psig. This is in stark contrast to the ACP’s proposed 1,440 psig, 42-inch transmission main,” Porter said.

He selected these excerpts from the PUCO report:

“The failed pipeline segment was bored under the roadway at a depth of 15 to 25 feet and had been in service for approximately two weeks. Poor construction practices, failure to follow established procedures and a lack of oversight by Dominion all contributed to the pipeline failure.

“Staff believes Dominion showed a lack of institutional control at the construction project located at Shaker Blvd. in Pepper Pike. Poor construction practices, failure to follow established procedures, and a lack of oversight all contributed to the weld failure and pipeline rupture. Staff further believes that the number of bad welds found at the site, Dominion’s previous enforcement history related to not following or enforcing procedures in the field, and poor documentation practices show that failures similar to the pipeline rupture in Pepper Pike may recur in the future if the factors that contributed to the rupture are not addressed.

“When asked during the investigation, Dominion reported there were no issues or problems encountered during the boring operations. The construction report clearly shows that problems did exist.

‘Apparent discrepancy’

“Staff believes it is not possible to determine who performed which weld at the construction site or whether or not procedures were followed through a review of project documentation due to Dominion’s poor documentation practices and Dominion’s failure to maintain accurate or reliable records. Dominion does not generate or maintain reliable records and does not maintain document integrity. Staff submitted several data requests and questions to Dominion during its investigation, and there were a number of instances where the responses raised questions about the integrity of the documents being provided. While on site during the immediate incident response, Staff photographed a field form completed by Dominion employees to document an odorization test performed by Dominion after the explosion. Dominion provided a different

version of the form when submitting a response to a data request. There was no place on the form for a signature and the handwritten information on the two forms was different. When asked about the apparent discrepancy, Dominion claimed the forms were completed by two different individuals, but both were documenting the same test.

“On Jan. 21, 2019, Dominion provided a document titled Engineering Notes, which identified which welders performed each weld along the pipeline. The document was completed by hand and had no date, signature, or any other information that could be used to attribute the document to a specific individual. On Jan. 31, 2020, Dominion provided a revised version of the same document where a number had been written over in multiple places throughout the form to make a correction with no notes, comments, or attributions for the changes on the forms. Dominion indicated via email the correction was made so the document would be accurate.

“Additionally, the welder related information in the document contradicts a statement provided by one of the welders who worked on the project. The individual is referred to as Welder #2 in the document and is recorded as having made 70 welds on the project. When interviewed by staff this individual stated he only performed 15-20 welds on this project. The same 70 welds are also attributed to Welder #2 on another document ... These noted documentation issues show that Dominion does not generate and maintain reliable records and does not maintain document integrity.

Ignoring procedure

“During its investigation, commission staff also observed a number of instances at the construction site where Dominion employees and contractors did not follow Dominion procedures or were unaware of these procedures, further demonstrating that established Dominion procedures are routinely not followed or enforced in the field: A staff investigator asked Dominion welders if he could see the procedure they were using to weld and was told by the welders that they didn’t need the procedures because they knew the requirements. The staff inspector then asked the welders a question about one of the parameters in the welding procedure (what preheat temperature they used) and received incorrect answers. As noted earlier, these welders did not have equipment necessary to determine the preheat temperature of the pipe despite the procedure requiring the use of a temperature indicating device.

“Visual inspection of welds was either not performed or welds that should have failed a visual inspection were not recognized. The individuals performing welding at the construction site did not have the necessary knowledge and skills to perform welding in a manner that ensured the safe operation of the pipeline,” the excerpt said.