INTRODUCTION

Interstate natural gas pipelines are poised to have severe impacts on Virginia’s natural landscape. Two pipelines that would bisect the Commonwealth—the Atlantic Coast Pipeline and the Mountain Valley Pipeline—pose risks to hundreds of crucial streams and rivers, rugged mountain slopes, productive family farmland, historic resources, sensitive karst geology and drinking water supplies. These controversial projects would also disrupt and endanger the people living and working in the path of these pipelines and more than double greenhouse gas emissions in the Commonwealth.

Local governments, community leaders, and citizens have raised broad and serious concerns about the public and private lands at risk, including national parks and forests, historic resources, streams, rivers, wetlands and conserved lands. Landowners, whose property is being forcibly taken by condemnation, raise important questions about fairness, safety and property values.

These pipelines will have long-lasting impact on the environment, water systems and communities. Some of the impacts include:

- At least 95 million tons per year of Greenhouse Gas emissions would be produced during the natural gas life cycle;
- The pipelines require a 75-foot permanently cleared easement. This will result in significant forest and habitat losses, impacts to endangered species, and long-term slope and soil instability;
- Access roads, construction staging areas and compressor stations will impact communities and the environment. For example, on the ACP, the lone compressor station in Virginia is slated for Union Hill in Buckingham County, in a historic African American community, raising questions of environmental injustice; and,
- Combined, these two pipelines will cross Virginia streams more than 1,000 times, including streams deemed “exceptional” by Virginia’s Department of Environmental Quality.

Construction of the Mountain Valley Pipeline has already contaminated numerous streams and springs with sediment since April 2018. Attorney General Mark Herring filed a lawsuit against MVP for over 300 erosion control violations last year. Citizens monitoring construction of the MVP have reported more than 550 incidents of erosion control violations to the Mountain Valley Watch.

Pipeline developers’ justification for the Atlantic Coast and Mountain Valley Pipelines have consistently eroded since plans for the projects were announced in 2014. At the time, the major rationale for the pipelines was to supply fuel to planned gas-fired power plants in the southeast and Mid-Atlantic. However, demand forecasts are well below pipeline developers’ forecasts, casting doubt on any public benefit from these pipelines.

ON THE ACP, THE LONE COMPRESSOR STATION IN VIRGINIA IS SLATED FOR UNION HILL IN BUCKINGHAM COUNTY, IN A HISTORIC AFRICAN AMERICAN COMMUNITY, RAISING QUESTIONS OF ENVIRONMENTAL INJUSTICE.

Dominion Energy’s refiled 2019 Integrated Resource Plan shows intent to scale back on fossil fuel reliance, proposing no new major gas plants and it was reported that Dominion was “done building combined-cycle natural gas-fired power plants.” Existing Dominion gas plants are fully served by existing pipelines.

In addition to egregious violations and mounting evidence of a lack of need for new pipelines, federal courts have found serious inadequacies in pipeline permits. In May 2018, the United States Court of Appeals for the Fourth Circuit revoked the U.S. Fish and Wildlife Service’s permit for the ACP after finding the permit did not meet the standards of the Endangered Species Act. In late 2018, the Fourth Circuit invalidated the U.S. Forest Service’s permit for the ACP to cross two national forests and the Appalachian Trail. Additional ongoing lawsuits are challenging permits at the federal and state levels.

CONCLUSION

The Virginia General Assembly should work to protect landowners, ratepayers and the environment from risky and unnecessary natural gas pipeline development. It is critical for state agencies to conduct thorough, transparent and independent analyses that investigate the need for the pipelines and impacts on Virginia’s water resources, natural landscape and communities.

PRIORITY RECOMMENDATIONS

- Introduce legislation to modify VA Code § 62.1-44.15:2 to include stream crossing reviews for drainage areas less than 5 square miles, and other necessary changes.
- Reform outdated Virginia administrative review process for large natural gas infrastructure projects. Virginia’s review process does not give the State Corporation Commission authority to evaluate the actual need for gas pipelines.
- Restrict the Department of Environmental Quality’s practice of granting variances from regulatory requirements for pipeline projects.
- Repeal or amend § 56-49.01. Natural gas companies; right of entry upon property.
- Fully fund the Department of Environmental Quality (DEQ). The agency does not have adequate funding to effectively administer programs.

PROTECTING VIRGINIA’S WATERS FROM RISKY AND UNNECESSARY PIPELINE CONSTRUCTION

Jonathon Gendzier // Southern Environmental Law Center
Jessica Sims // Sierra Club Virginia Chapter
Greg Buppert // Southern Environmental Law Center

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