



COMMONWEALTH OF VIRGINIA

GENERAL ASSEMBLY

RICHMOND

July 26, 2018

The Honorable Ralph S. Northam
Governor, Commonwealth of Virginia
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Re: Concerns About Proposed Methane Gas Pipelines

Dear Governor Northam:

As legislators concerned about our society's continued dependence on fossil fuels, we have been working on state policies to promote more clean and renewable sources of energy to conserve and to protect our environment, while also creating new economic opportunities for workers and entrepreneurs in our Commonwealth.

Yet, two of the largest energy infrastructure projects currently proposed in Virginia would continue the destructive paths of generating and consuming more fossil fuel products, while doing little to create good-paying permanent jobs.

That is why we write to raise our own concerns as well as to convey the serious questions posed to us regularly by our constituents over the real harms threatened by the construction of Mountain Valley Pipeline (MVP) and Atlantic Coast Pipeline (ACP).

The public's concerns over these two proposed pipelines range in their subject matters, including degrading of water quality and environmental assets, risk to human health and property damage from explosions and methane gas leaks, aggressive use of eminent domain and loss of property value, class- and race-based discrepancies in the locations selected for construction, and lack of economic justification for domestic use of fracked gas products.

This letter will focus only on those policy matters that you, as our Governor working closely with our Lieutenant Governor and Attorney General, are able to address in timely and meaningful ways.

We believe that your clear and bold leadership on pipelines at this critical time can restore the faith that many of our constituents have lost in their governments' ability to fight for the public's interest, at a time when that faith is so desperately needed.

First and primarily, we are concerned that these projects are being allowed to go forward with little scrutiny by our state government.

It appears that the Commonwealth's government is relying on the Nationwide Permit 12 issued by the U.S. Army Corps of Engineers for stream crossings, rather than on the legal authority that the Commonwealth clearly maintains to review these projects using state water quality standards under Section 401 of the Clean Water Act.

We know that nationwide permits were intended for certain routine projects that have only minimal effects on water quality, which is clearly not the case with the massive MVP and ACP projects proposed to cross rivers, streams, and wetlands more than 1,000 times, including over some of the most pristine rivers and streams in Virginia.

As elected officials in Virginia, we cannot delegate the responsibility of protecting our state's water quality to federal officials appointed by President Trump, whose clear political agenda is to continue to support the struggling coal and fossil fuel industries at all costs.

Instead of relying on these insufficient and perhaps politically-motivated federal nationwide permits that are not appropriate nor customized for the needs of Virginia, we urge you to direct the Virginia Department of Environmental Quality (DEQ) to revoke and decertify the 401 certifications for both upland areas and for the Nationwide Permit 12, which would trigger a comprehensive stream-by-stream analysis under Clean Water Act Section 401.

We also ask you to direct the DEQ to stop work on all construction activities for these two projects until those analyses are complete. Stream-by-stream analyses is a commonsense solution that environmental experts agree is the appropriate process for these circumstances. You agreed with this standard and forcefully advocated for such analysis in early 2017. We hope you will agree that it is time for DEQ to do this robust study now.

You have consistently and publicly stated your desire to hold these two pipeline projects to the highest environmental standards. We believe that such a standard can be met only by rejecting the Nationwide Permit 12 process and by applying Virginia's water quality standards to these projects. That is because Virginia's own water quality standards provide legal protections for Virginians to use our waters in many more ways than those provided for under the Nationwide Permit 12 process.

For example, our state laws guarantee Virginians the right to enjoy activities such as wading, swimming, hiking, hunting or picnicking near a water body, all of which would be impacted by sedimentation and elimination of streamside trees that could result from pipeline constructions. In contrast, a Nationwide Permit 12 on these pipelines could change and even eliminate Virginians' access to recreational water uses.

Second, related to our concerns over the projects' impact on Virginia water quality are the vacancies on the State Water Control Board which limit the ability of that state agency to properly oversee these projects.

As you know, the term of office for two of the seven members of the State Water Control Board expired on June 30. We urge you to appoint or reappoint members who are willing to serve immediately so that important decisions about the quality of water in Virginia can be considered by experienced professionals with no agenda other than their desire to uphold the public's interest.

As you consider filling the vacancies on the State Water Control Board, we also urge you to direct the DEQ to schedule the next meeting of this Board as soon as practicable.

For reasons that are not clear to the public, the DEQ postponed the last scheduled meeting of the State Water Control Board from June 11 to August 21. However, considering that the pipeline projects are already ongoing and already causing significant damage to our land and water, we are afraid that a meeting in late August of this year may be too late to halt and/or to reverse the damage done to our water quality from the pipeline constructions.

We hope you will agree that the State Water Control Board must meet immediately to review these matters.

Third, we are deeply concerned that Precision Pipeline, LLC, the Wisconsin company contracted by MVP to build its pipeline, has had a long and documented history of negligence in its construction work. When Precision performed work for Dominion Energy in 2012, the out-of-state contractor caused at least 50 devastating landslides in a 55-mile-long pipeline project.

Considering the steepness of the Virginia terrains in which MVP is being constructed, we are worried that the pipeline project to be built in our Commonwealth could result in too many hazards to people and to our natural resources that we simply should not risk.

This is especially troubling because we have seen how, even the most advanced quality pipelines that were completed very recently can explode because no pipeline can be built to withstand leaks and explosions. We are relieved that the recent pipeline explosions in West Virginia and Kansas did not result in significant injuries or destruction, but it may be just a matter of time before an explosion – in Virginia or in another state – turns much more tragic.

What happened in our neighboring state is particularly troubling. On June 7, a pipeline explosion occurred when a landslide occurred at the bottom of a slope in West Virginia. It is interesting to note that the developer of Leach Xpress described this pipeline as "best in class," and yet it exploded barely six months after going into operation.

Because Virginia landscape includes many steep slopes along the routes of the proposed MVP and ACP, we are deeply concerned that a catastrophe could occur during and after construction. That is why we ask you to direct the DEQ to invoke a stop work order for both pipelines immediately to protect our land and water resources from further degradation.

Finally, on May 30, the Governor's Advisory Council on Environmental Justice met with dozens of residents in Buckingham County who are living in fear of another set of health and environmental hazards anticipated from the pipelines.

As part of its pipeline proposal, ACP has planned a massive and unprecedented 55,000 hp compressor station to facilitate transporting fracked methane gas within a one-mile radius of 99 households, 85 percent of whom are African Americans, one third of them being descendants of freedmen enslaved in Buckingham.

Based on the economic and racial demographic disparities, your own Advisory Council on Environmental Justice reached a consensus on a statement that not only called for a moratorium on new gas infrastructure and for a stream-by-stream review as discussed above, but also concluded that placing a compressor station in the historic African American community of Union Hill is a deviation from environmental justice norms.

Governor, recently on a local radio program, you raised concerns about a proposed compressor station related to a separate Dominion Energy pipeline in Charles County, Maryland, because it could obstruct the view from George Washington's historic Mount Vernon property.

We thank you for your strong and public reaction, as we agree it is inappropriate for an environmentally-destructive compressor to be located within eyesight of an historic property.

But what about the impact of such pipeline compressors on the people whose ancestors suffered as slaves in Virginia before the Civil War emancipated them? Should they have to breathe the toxic methane gas combustions that will result from the operations of a gigantic compressor forced upon their historic African American freedmen property in Union Hill?

We hope you will share your deep concerns about the impacts of a compressor station on this historic property in Virginia as you did about a similar compressor in Maryland.

Governor, we know that much of the work involved in proposing these pipeline projects were approved by the federal government and by your predecessor before you took office. But we believe that it is not too late for you to take some reasonable and proactive action now to mitigate the damages being done under your watch.

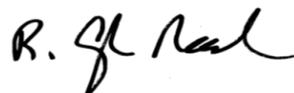
By relying on the state's legal authorities that you clearly have and by making immediate and public decisions as we have suggested in this letter, we are confident that you can assure your many concerned constituents that you are doing all you can to review these environmentally destructive projects properly on their merits.

We are ready to work with you, our Lieutenant Governor, and our Attorney General to support your favorable actions.

Sincerely,



Mark L. Keam
House of Delegates, District 35



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Senate of Virginia, District 25



Kenneth R. Plum
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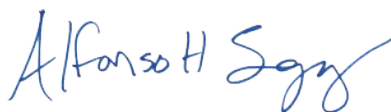
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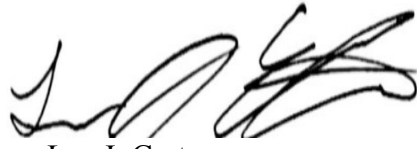
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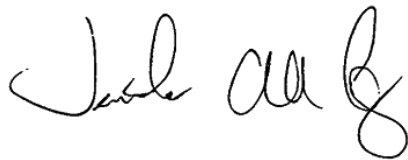
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cc: The Honorable Justin Fairfax
The Honorable Mark Herring