

## **Dominion should dump pipeline**

Delays and mounting costs plague Dominion's Atlantic Coast Pipeline. The fracked gas pipeline, originally scheduled to be fully operational by 2018, is now delayed until 2021. Dominion says the cost, which will be funded by its captive ratepayers, is now at least \$7.5 billion — \$3 to \$5 billion more than its original price tag.

Crippled by countless lawsuits, vacated and denied permits, and violations of the law, the ACP has, for the time being, been stopped once again. It's time for Dominion's shareholders to stop the bleeding for good. The record shows that the ACP was ill conceived, poorly planned, and is draining the company's resources. How much burden can the corporation expect to extract from its ratepayers?

### **Setback after setback**

There's a long litany of ACP setbacks with many more to come.

Seven federal authorizations have been suspended, stayed or vacated. In December 2018, a permit by the U.S. Forest Service to cross two national forests and the Appalachian National Scenic Trail, was vacated by the U.S. Fourth Circuit Court of Appeals. In the ruling, Judge Thacker scolded the Forest Service, citing Dr. Seuss's book, "The Lorax," in writing "we trust the United States Forest Service, 'to speak for the trees, for the trees have no tongues.'" According to the court's interpretation of the law, the Forest Service does not have the authority to issue a permit for a pipeline crossing the Appalachian Trail. Legal scholars believe it will take an act of Congress for the pipeline to cross the trail. Dominion is now vigorously attempting to change the law to get its way.

The Fourth Circuit Court of Appeals also vacated the U.S. Fish and Wildlife Service's incidental take permit for the ACP to "harm, wound, and kill" endangered species. All four "Nationwide 12 Permits" from the U.S. Army Corps of Engineers

City of Staunton when it tried to sneak an equipment yard into the city at an inappropriate place. After receiving violation notices from Staunton, Dominion removed its equipment before the zoning matter came before the city's Board of Zoning Appeals.

Even the small amount of work Dominion has done in Virginia reflects badly on the corporate giant. Dominion was issued a Notice of Violation by the Virginia Department of Environmental Quality for felling trees in riparian areas at 15 sites in Virginia. Fifteen! If Dominion workers can't follow the rules for felling trees, how can we expect them to follow the rules for building the largest fracked gas pipeline the company has ever built or anyone in this country has ever attempted to build in such steep, forested terrain? We cannot.

### **Dominion's greed**

Dominion's tentacles of greed work behind the scenes. Last November, Dominion sued at least 21 landowners for "quick-take condemnation" in Nelson County. Quick-take is another abhorrent maneuver by Dominion that seeks, through the courts, to take one's property rights before being compensated.

Three of the seven members of the Virginia State Water Control Board voted to deny certification for the ACP to cross through our streams because they had doubts Dominion could do so without violating our water quality standards. Roberta Kellam brought that motion in front of her fellow water control board members and she has since been removed from the board.

Two members of the state's Air Pollution Control Board who questioned Dominion's request to build its fracked gas compressor station in Union Hill have also been removed. Out of 232 board appointees awaiting renewal across state government, only those three were removed.

### **Dominion should wake up**

have been suspended. These are the permits the company needs to dig under or through streams, rivers and wetlands that our State Water Control Board gave away to the Army Corps.

In a Feb. 5 letter to the Federal Energy Regulatory Commission Attorneys for the Southern Environmental Law Center, Chesapeake Bay Foundation, and Appalachian Mountain Advocates stated, “Atlantic Coast Pipeline now lacks effective versions of seven federal authorizations that are mandatory conditions of the Commission’s certificate of public convenience and necessity issued for the ACP.... Accordingly, we urge the Commission to issue Atlantic a stop-work order halting all construction activities and to revoke or suspend all notices to proceed for the ACP.”

On Feb. 8, SELC and CBF filed another lawsuit in federal court against the Virginia Air Pollution Control Board for its decision to approve Dominion’s compressor station in Union Hill, a facility needed to move gas through their unnecessary and destructive pipeline. This community, founded by freed slaves in Buckingham County, is an EPA environmental justice community that exceeds their requirement of at least a 30 percent minority population.

On a local level, Augusta County’s Board of Zoning Appeals twice denied Dominion’s requests for pipe yards they wanted to build in inappropriate places, one in Churchville, the other in West Augusta. One of the board members stated, “It’s hard to support something nobody is in favor of.” Dominion also tangled with the

When will Dominion realize there is a myriad of opposition across all spectrums of our communities who will not give up? Landowners, governmental leaders, environmental groups, property rights advocates, environmental justice groups, and countless others are all aligned against this corporate bully. Legal challenges will continue to mount. It is time for this unwanted pipeline to go away. There are better ways to spend \$7.5 billion.

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