



ABRA Update #276 – May 14, 2020

Issue Highlights . . .

- ACP Construction Yard in Goshen Approved by County Planning Commission
- ACP Responds to Buckingham Compressor Station Court Decision
- Army Corps Appeals Court Decision Vacating NWP12 Program
- A FERC Rejects State AGs Plea for Project Moratorium During COVID-19 Crisis
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ACP Construction Yard in Goshen Approved by County Planning Commission

The Rockbridge County, VA Planning Commission approved on May 13 a site plan for a proposed construction storage yard for the Atlantic Coast Pipeline (ACP) in Goshen, VA. The 4-0 vote (with one abstention) came despite 95 of the 99 written comments received by the Commission expressing opposition to the yard plan. The County Board of Supervisors is scheduled to consider the issue on May 26. (See earlier *ABRA Update* article [here](#).)

ACP Responds to Buckingham Compressor Station Court Decision

Atlantic Coast Pipeline, LLC (ACP, LLC) has finally submitted a response to the [January 7 decision by the Fourth Circuit Court of Appeals](#) to vacate the Buckingham compressor station. ACP, LLC made recently two supplemental information submissions to the Virginia Department of Environmental Quality (DEQ), each responding to different issues raised by the Fourth Circuit.

An [April 24 submission to DEQ](#) responded to the issue of “why electric turbines are not required to be considered in Virginia’s BACT [Best Available Control Technology] analysis of the Compressor Station.” The [company’s April 30 submission](#) addressed the Court’s concern about “conflicting evidence in the record, the particular studies it relied on, and the corresponding *local character and degree of injury* from particulate matter and toxic substances threatened by construction and operation of the Compressor Station.” It is uncertain when the matter will be taken by the Virginia Air Pollution Control Board, as that body has not yet scheduled a meeting to reconsider the project’s air permit.

Army Corps Appeals Court Decision Vacating NWP12 Program

The U.S. Army Corps of Engineers filed on May 13 an appeal with the Ninth Circuit Court of Appeals of the Montana U.S. District Court of the decision that vacated the authority of the Corps to issue new stream crossing permits under the Corps’ Nationwide 12 program. The [April 15 decision](#) impacts both the Atlantic Coast Pipeline and the Mountain Valley Pipeline, as neither project has a valid NWP12 permit at this time. At this writing, the Ninth Circuit has not indicated when the appeal will be considered.

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FERC Rejects State AGs Plea for Project Moratorium During COVID-19 Crisis

A May 7 request by attorneys general of 10 states and the District of Columbia for a moratorium on approvals of all new and pending natural gas pipelines, LNG facilities and related fossil-fuel infrastructure projects during the COVID-19 pandemic has been summarily rejected by the Chairman of the Federal Energy Regulatory Commission (FERC). The [AGs's letter](#) argued that a moratorium is “necessary to preserve the due process rights of interested parties, many of whom are dealing with unprecedented challenges to their health and economic wellbeing from the COVID-19 crisis and whose ability to participate in hearings and proceedings may be accordingly constrained.”

FERC Chairman Neil Chatterjee replied on [May 12 in a letter to Virginia AG Mark Herring](#), denying the moratorium request. Chatterjee said:

“Hindering the build-out of energy infrastructure now could have long-term and lasting negative impacts on the delivery of energy in the future. For these reasons, I view requests for a moratorium on energy projects to be short-sighted and impractical. Any step to slow the energy economy is a step in the wrong direction.”

In the News:

Local/Atlantic Coast Pipeline

Thousands sign letter to end pipeline

- The Recorder – 5/14/20

https://www.abralliance.org/wp-content/uploads/2020/05/Thousands-sign-letter-to-end-pipeline-Recorder_20200514.pdf

A coalition of 78 prominent advocacy organizations from Virginia and across the country signed a letter, addressed to shareholders and advertised widely, that stated: “New legislation and legal challenges have rendered the completion of the Atlantic Coast Pipeline unrealistic.”

Even after pipeline pollution, DEQ is still resisting water protections and public participation

- Virginia Mercury – 5/11/20

<https://www.virginiamercury.com/2020/05/11/even-after-pipeline-pollution-deq-is-still-resisting-water-protections-and-public-participation/>

DEQ has decided to exclude willing and able members of the public from meaningful roles and has stacked its new Stakeholder Advisory Group with representatives of regulated industries and others with financial interests and histories of opposing stringent regulations.

Herring joins other AGs in call for federal regulators to halt new fossil fuel projects during pandemic

- Virginia Mercury – 5/8/20

<https://www.virginiamercury.com/blog-va/herring-joins-other-ags-in-call-for-federal-regulators-to-halt-new-fossil-fuel-projects-during-pandemic/>

The proposal would maintain the moratorium as long as the Federal Emergency Management Agency emergency declaration is in effect.

Despite Clean Economy Act, Dominion forecasts a strong role for natural gas in Virginia

- Virginia Mercury – 5/8/20

<https://www.virginiamercury.com/2020/05/08/despite-clean-economy-act-dominion-forecasts-a-strong-role-for-natural-gas-in-virginia/>

The utility's long-range plan, said a joint statement from Sen. Jennifer McClellan of Richmond and Del. Rip Sullivan of Fairfax, “is tantamount to quitting the game before the first pitch is thrown.”

Duke CEO decries 'assault' on natural gas as shareholders, others blast company's resource plans

- Utility Dive – 5/13/20

<https://www.utilitydive.com/news/duke-ceo-decries-assault-on-natural-gas-as-shareholders-others-blast-com/577815>

Duke Energy faced tough questions from shareholders about its long-term resource plan last week, ahead of its Q1 earnings call on Tuesday.

Regional/Mountain Valley Pipeline, other

Federal Judge Deals Another Huge Blow to Atlantic Coast Pipeline and Mountain Valley Pipeline

- Blue Virginia – 5/12/20

<https://bluevirginia.us/2020/05/federal-judge-deals-another-huge-blow-to-atlantic-coast-pipeline-and-mountain-valley-pipeline>

In effect, this court order serves as a nationwide injunction prohibiting new pipelines, including MVP and ACP, from using NWP 12.

Related:

- https://www.roanoke.com/business/federal-judge-upholds-ban-on-process-for-permitting-pipelines-including-mountain-valley/article_36e604fb-af61-5893-9afc-eaee340afe02.html

Christopulos: Tulsa-based union is poorly informed about COVID-19 and MVP in Virginia

- The Roanoke Times – 5/14/20

https://www.roanoke.com/opinion/commentary/christopulos-tulsa-based-union-is-poorly-informed-about-covid-19-and-mvp-in-virginia/article_be17f969-4195-5bb8-8638-c2935989bb12.html

Related:

- https://www.roanoke.com/opinion/commentary/butterworth-getting-back-to-work-on-mvp/article_de5df773-6257-5a74-9fc1-44f2odff9751.html

Big Picture:

In a First, Renewable Energy Is Poised to Eclipse Coal in U.S.

- The New York Times – 5/13/20

<https://www.nytimes.com/2020/05/13/climate/coronavirus-coal-electricity-renewables.html>

The coronavirus has pushed the coal industry to once-unthinkable lows, and the consequences for climate change are big.

Energy regulator declines states' request for moratorium on pipeline approvals

- The Hill – 5/13/20

<https://thehill.com/policy/energy-environment/497648-energy-regulator-declines-states-request-for-moratorium-on-pipeline>

Last week, attorneys general from 10 states and Washington, D.C., wrote a letter saying that waiting to approve the projects is necessary in order to protect the due process rights of people who might be affected by them.

FERC order could bar offshore wind from U.S. power market

- E&E Energywire – 5/13/20

<https://www.abralliance.org/wp-content/uploads/2020/05/FERC-order-bars-offshore-wind-from-largest-U.S.-power-market-EE-Energywire-5-13-20.pdf>

FERC's move will undermine efforts to slash carbon dioxide emissions by extending a lifeline to fossil fuel generators that would otherwise have retired, according to experts.

Yet Another State Quietly Moves To Criminalize Fossil Fuel Protests Amid Coronavirus

- Huffington Post – 5/8/20

https://www.huffpost.com/entry/alabama-fossil-fuel-pipeline-protest-criminalize_n_5eb590b4c5b6197b8461d550

In March, Kentucky, South Dakota and West Virginia passed laws restricting pipeline protests. Alabama is poised to become the fourth.

World's biggest wealth fund dumps \$3B in fossil fuels

- E&E Climatewire – 5/14/20

<https://www.abralliance.org/wp-content/uploads/2020/05/Worlds-biggest-wealth-fund-dumps-3B-in-fossil-fuels-EE-Climatewire-5-14-20.pdf>

Norway's wealth fund struggled to offload the shares of some of the excluded companies, saying that for several of them, the market situation, including the liquidity of individual shares, meant that it took a long time to sell the shares "in a reasonable manner."

COVID-19 Could Spark A Renewable Energy Boom

- OilPrice.com – 5/11/20

<https://oilprice.com/Alternative-Energy/Renewable-Energy/COVID-19-Could-Spark-A-Renewable-Energy-Boom.html>

The results of the Oxford paper stem from a survey of 231 finance ministry officials, central bankers, and other economists, representing 53 countries.

Mammoth Solar Power Plant Drives Another Nail Into US Coal Coffin: Guess Who's Holding The Hammer

- CleanTechnica – 5/12/20

<https://cleantechnica.com/2020/05/12/mammoth-solar-power-plant-drives-another-nail-into-us-coal-coffin-guess-whos-holding-the-hammer/>

The Trump administration has just green-lighted the biggest solar power plant in US history. It's a holdover project from, you guessed it, the Obama administration.