

Blue Ridge Environmental Defense League

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Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

**RE: Docket Nos. PF15-3-000, Scoping of Environmental Impacts
Delivered to the Commission this day at the public hearing in Chatham, Virginia**

Dear Commissioners:

On behalf of the Blue Ridge Environmental Defense League and its chapters and members in Virginia, I write to provide comments on the scope of the environmental impact statement for the proposed project.

Background

In October 2014, EQT and NextEra Energy filed an application with the Federal Energy Regulatory Commission to build an interstate natural gas pipeline. The Mountain Valley Pipeline would be a 300-mile pipeline running from Wetzel County, West Virginia to Pittsylvania County, Virginia. This high pressure pipeline would carry 2 billion cubic feet of gas per day.

Our Recommendation

The pipeline project outlined in this docket represents a massive assault on the environment and the communities along the proposed routes. Our members live along those routes. The impacts of extraction, transport and combustion of the fossil fuel which is natural gas would have devastating impacts on local communities, on Virginia, on the nation and, indeed, on the entire planet. Therefore, the Blue Ridge Environmental Defense League is calling for community veto of the Mountain Valley Pipeline.

Under the National Environmental Policy Act, the impacts of this pipeline must be accounted for by the Federal Energy Regulatory Commission. The Commission is legally bound to assess the consequences of the expanded use of fossil fuel and "recognize the worldwide...environmental problems."¹ Once the impacts are weighed, we believe the no action alternative—that is, the denial of the certificate of convenience and public necessity—will be the agency's only recourse.

Community Veto

The basis for our call for community veto is the Constitution of the Commonwealth of Virginia, which declares that, "all power is vested in, and consequently derived from, the people." Further, the Code of Virginia states "any county may adopt such measures as it

¹ National Environmental Policy Act, §102(2)

deems expedient to secure and promote the health, safety, and general welfare of its inhabitants.ö The general police power held by every county in Virginia grants them the authority to enact rules which promote the health, safety, or welfare of its citizens. And the courts have supported counties where the general police power is concerned.

In fact, Pittsylvania County's charter requires its board of supervisors to reject companies with violations of health, safety or environmental regulations. Also, the Roanoke County charter grants local government the broad power necessary to protect the safety and health of its residents and to promote the general welfare.

The Dillon Rule is often cited to halt initiatives at the local level. It provides convenient cover for local officials hoping to pass the buck. However, the Dillon Rule was neither enacted by the legislature nor declared in the state constitution. A legal expert said, öthe Dillon Rule is less a formal state policy than an approach to judicial interpretation.ö In other words, it is a judicial opinion, one which can be altered. For example, Loudon County's solid waste ordinance was challenged in court; however, the court ruled for the county, affirming that it had the power to require permits and levy fees. Judge John Forest Dillon, for whom the Dillon Rule is named, held that state control would reduce corruption in local government and the rampant misuse of public funds for private gain in the 19th Century. But in the 21st Century, the balance of power has shifted decidedly in favor of state sanctioned corporations, the gas companies being a prime example.

Misuse of Eminent Domain, Negative Impact on Property Value

The misuse of eminent domain by EQT and Nextera to support a private construction project is anathema to its true purpose. The power of eminent domain cannot and must not be used to take property for private use. One can drive on an interstate highway. One cannot get gas from an interstate pipeline.

An unacknowledged aspect of the project: the export of natural gas via ocean-going ships to ports around the world. A liquefied natural gas terminal is a foreseeable outcome of the proposed pipelines extending across three states pointing like an arrow to the seaports at Hampton Roads, Virginia or Cove Point, Maryland. The comprehensive review, the *hard look*, required by the National Environmental Policy Act must encompass the sum of cumulative impacts from extraction to end use, no matter where that end use occurs, including export terminals and liquefied natural gas exports.

Property values, and county levies which depend on them, will suffer. Professional appraisers say that losses in property value could be from 50% of the land value for a pipeline easement area up to 30% or more of the whole property value.¹

Pollution

A single compressor station can release huge amounts of toxic air pollution and global warming gases per year. Presently, the Transcontinental Gas Pipeline Corporation's Compressor Station No. 165 in Pittsylvania County has eleven internal combustion

reciprocating engines with a combined total of 24,400 horsepower. The pollution totals for this unit are as follows.

Air Pollutants Emitted from Transco Natural Gas Compressor Station #165ⁱⁱ

Pollutant	SO ₂	NO _X	VOC	CO	PM ₁₀	Formaldehyde
Pounds/year	600	3,441,000	342,600	775,000	37,600	53,000

In addition to the Transco station, four additional compressor stations are contemplated for the MVP. The Commission must assess the cumulative impact of these stations on the environment and public health. Sulfur dioxide contributes to acid rain. Nitrogen oxides cause smog. Many volatile organic compounds are toxic or carcinogenic. Particulate matter is hazardous to health. The negative effects of airborne formaldehyde occur at very low levels. Exposure to as little as 0.1 to 2 parts per million causes irritation of the eyes, nose and throat. At 5 to 10 ppm, people experience cough, tightness of the chest and eye damage. At 20 ppm breathing becomes difficult, at 30 ppm there is severe injury to the lungs and 100 ppm is immediately dangerous to life.

Conclusion

Residents along the proposed pipeline route are demanding that officials take action to protect them. Also, some county governments are assessing the environmental impacts within their borders. The Commission must heed this expertise.

The impacts on the land, air and water resources which would occur if this project advances are contrary to the letter and the spirit of the National Environmental Policy Act, which is to prevent or eliminate damage to the environment and the biosphere. We recommend denial of the certificate of convenience and public necessity

Respectfully submitted,



Louis A. Zeller, Executive Director

ⁱ Forensic Appraisal Group, Ltd.

ⁱⁱ Emissions Data from Air Permits currently issued by the Virginia Dept. of Environmental Quality, located at www.deq.virginia.gov