

December 19, 2014

TO: Robert Burnley, *Strategic Environmental Advice*

FR: Rick Webb, Coordinator, *Dominion Pipeline Monitoring Coalition*

RE: Following up on our December 16 meeting

It was a pleasure meeting with you to discuss Dominion's proposed Atlantic Coast Pipeline. I believe in and respect your personal commitment to making the ACP an environmentally responsible project.

Although I am unalterably opposed to pipeline construction across the Allegheny Highlands, I think it will be worthwhile to explore solutions to specific environmental problems and thereby contribute to less-damaging pipeline construction elsewhere. My understanding is that you can act as a sort of liaison with Dominion, conveying concerns and seeking answers to questions. So, as a follow-up to our meeting, I am providing a partial listing of concerns and questions. Other topics can be addressed later.

A central concern is the widely held belief that Dominion is more committed to management of public perception than to actual treatment of the issues. This is illustrated by the problem with slope failures and water quality violations at Dominion's West Virginia pipeline projects. It is not, as company officials have explained to the media, a problem that has been resolved and simply an instance where performance did not meet company expectations. It is instead a problem involving continuing violations at multiple locations, persistent noncooperation with regulatory authority, and evasion of responsibility. Dominion decision makers need to understand that this is more than just a PR problem.

I hope that Dominion will provide real and confidence-building responses to the following concerns and questions.

(1) Consideration of alternatives

Why hasn't Dominion considered an alternate route that would avoid the Allegheny Highlands and the George Washington and Monongahela National Forests? The alternatives report submitted to the Federal Energy Regulatory Commission describes and dismisses a "western alternative" that would still cross the Allegheny Highlands and both national forests. The report also describes and dismisses "system alternatives" that involve use of other existing or proposed pipelines. The report, however, does not consider a separate pipeline along a southern route, which, like the proposed Mountain

Valley and Appalachian Connector pipelines, would avoid the Allegheny Highlands and cross substantially less national forest than the currently proposed ACP route.

The possibility of co-locating the ACP with one of the currently proposed southern routes has been raised by FERC. The following is from an [article](#) in yesterday's Roanoke Times:

Paul Friedman, FERC's environmental project manager for the Mountain Valley Pipeline, is participating in open houses this week. . . Friedman said Tuesday that FERC is "very interested" in considering whether the Mountain Valley Pipeline and the Atlantic Coast Pipeline, proposed by Dominion and partners, might ultimately be able to share a single corridor — an alternative he said would obviously lessen the projects' environmental effects. . . "We don't know if it's possible because we haven't studied it yet," Friedman said. . . He was not aware of the Appalachian Connector Pipeline, a pipeline proposed by Williams that has not yet entered the pre-filing process.

(2) Identification of existing Dominion pipeline projects

Can Dominion provide information concerning its existing gas pipeline transmission system in Virginia, West Virginia, and Pennsylvania? We would like to have a listing and description of all pipelines for which construction is pending, underway, or completed. We would also like to have identifying permit numbers and GIS coverages for each of the pipelines. This information would be used in our "case study" program, which allows us to examine real-world regulatory program implementation.

(3) Prevention of slope failure

Can Dominion provide documents that describe company policy and protocols for preventing slope failure or earthen slippage for pipeline construction in steep terrain? We are interested in the identification of factors associated with potential slope failure and in the identification of methods used to avoid slope failure.

Dominion is subject to a Consent Order issued by the WV Department of Environmental Protection (Order No. 8078, 10/01/14), which requires a geotechnical analysis and preparation of a report that describes the causes of historical pipeline right-of-way failures. The order also requires that Dominion develop a company policy for avoiding such problems at future pipeline projects. We would like to know in advance, and in detail, how Dominion plans to meet this requirement. We would also like to know if Dominion intends to apply this policy to the ACP and future pipeline projects in Virginia, West Virginia, and elsewhere.

(4) Erosion and sediment control and stormwater management

Can Dominion explain the process, including the schedule and details of permitting, whereby construction of the ACP project will comply with erosion and sediment control and stormwater management programs in both Virginia and West Virginia? We seek an open and transparent process, with timely access to applications and site plans and a meaningful opportunity for public review and input to the regulatory agencies.

Some specific questions:

- Can Dominion explain the distribution of authority among regulatory agencies with respect to erosion and sediment control and stormwater management requirements? That is, which rules apply to pipeline construction, and whose authority takes precedence?
- Will Dominion prepare site-specific erosion and sediment control and stormwater management plans for ACP construction, and what information will be provided with such plans? Will Dominion submit such plans to FERC, the Forest Service, state environmental agencies, and county governments? When will such plans be submitted, and can Dominion provide public access to these plans prior to regulatory authority approval in order to allow public review and input?
- Does Dominion intend to seek variances from regulatory requirements related to erosion and sediment control and stormwater management? For example, Dominion and other pipeline construction companies commonly request approval to exceed regulatory limitations on the length of open trench allowed at any given time. Strict adherence to this limitation will be critical for runoff control and slope stability on steep mountainsides.
- Can Dominion provide prompt public access to inspection reports related to erosion and sediment control, stormwater management, and stream and wetland crossing? Our concern is that much of the inspection program will be conducted by Dominion staff or contractors rather than the regulatory authorities, and that inspection reports will be inaccessible to the public.

(5) Damage to water supplies

Can Dominion provide details concerning responsibility for damage to water supplies due to pipeline construction and operation?

Some specific questions:

- What type of well and spring water monitoring program does Dominion plan to conduct? What water quality parameters will be measured and on what schedule?
- How will well and spring water quantity be monitored?
- How will Dominion's well and spring water monitoring program account for seasonal and year-to-year variation in water quality and quantity?
- Will spring and well water supply data be made available to property owners and regulatory authorities—and on what schedule?
- Is it Dominion's position that only those wells and springs within 150 feet or less of pipeline construction are at sufficient risk to warrant monitoring?
- Does Dominion recognize that due to hydrologic connectivity in karst landscape, construction activity can affect water supplies that are miles away?
- What is the specific standard of proof or evidence that Dominion will require before it accepts responsibility for damage to the quality or quantity of water supplies?
- Can Dominion provide guidance concerning the type and costs of baseline and continuing data collection necessary to conclusively determine if damages to water supplies are due to pipeline construction?
- Would Dominion be willing to pay for monitoring of wells and springs that are farther than 150 feet from the pipeline construction corridor?
- In the event that Dominion accepts responsibility for damage to water supplies, how will Dominion compensate land and water supply owners?
- Would Dominion support establishment of an independent board to rule on liability for damages to water supplies and other property values?

(6) Damage to streams and aquatic systems

Can Dominion provide details concerning its plans to assess and monitor the physical and biological condition of streams and wetlands that will be crossed or potentially subject to impact from pipeline right-of-way clearing, construction activity, access roads, and staging areas? Can Dominion also provide details concerning its plans to assess and monitor the physical and biological condition of aquatic systems associated with karst?

Some specific questions:

- What water quality parameters will be measured, by what methods, on what schedule, and at what locations?
- How will water quantity or discharge be monitored, by what methods, on what schedule, and at what locations?

- How will Dominion assess and document the physical and habitat structure of surface and subsurface water channels and flow paths?
- What methods will Dominion use to evaluate construction-related changes in rainfall-runoff ratios or changes in the magnitude, frequency, and duration of peak flows?
- How will Dominion assess and document baseline status and conditions for surface and subsurface aquatic biological communities and monitor construction-related changes?
- Will Dominion make all stream and aquatic system data and assessments available to regulatory authorities and the public —and on what schedule?
- Can Dominion identify the specific thresholds or objective changes in water quality, quantity, physical and habitat structure, and biological community status that constitute regulatory violations?
- Does Dominion have, and will it share, company protocols and criteria for response to water resource degradation associated with its construction activities?

cc: Dominion Pipeline Monitoring Coalition
Allegheny-Blue Ridge Alliance