



Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

Letter submitted via electronic mail

Airdivisiol@deq.virginia.gov

- May 2018 – NWP12 MVP and ACP
- September 2018 – Union Hill Compressor Station – Air Permit
- October 2018 – Press Release Virginia State Conference NAACP Trobled by State Regulator’s Refusal to Protect Our Land, Water and Communities
- November 2018 – Press Release – Virginia State Conference NAACP Deeply Troubled by Dismissal of Air Pollution Board Members Who Expressed Concern Regarding Environmental Jusitce
- November 2018 – Press Release – NAACP Re-affirms Opposition to Mountain Valley and Atlantic Coast Pipelines, Union Hill Compressor Station and Southside Connector
- December 2018 – CCAN SignOn Letter

May 2018
NWP12 - MVP and ACP



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Phone: 1-804-321-5678

By Electronic Mail

May 30, 2018

Mr. David Paylor
Director
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Re: Nationwide Permit 12 - Mountain Valley and Atlantic Coast Pipelines

Dear Director Paylor,

I am writing to express concern regarding the classification of and permitting process for the Mountain Valley (MVP) and the Atlantic Coastal Pipelines (ACP), proposed to bisect the Commonwealth of Virginia. Consideration under the U.S. Army Corps of Engineers Nationwide Permit 12 (Corps NWP 12) is inadequate and grossly neglects to consider the magnitude of both projects and the massive disruptions to surrounding communities and the environment that will result. Socio-economic data and wetland and stream information crucial to conducting accurate and unbiased assessments are missing, inaccurate and incomplete. Furthermore, there is negligible mitigative and corrective measures put in place to minimize negative impacts and restore these lands to their original state (or better). Rich aquatic life, safe recreational opportunities, healthy wildlife habitat and clean drinking water resources, dependent upon maintaining high water quality standards, is in jeopardy if we do not step back, halt all construction activities, and properly assess the direct, indirect and cumulative impacts presented by these two projects.

Both pipeline projects consist of major construction activities, soil disturbances, tree-cutting and hundreds of river crossings, including multiple crossings of quality waterways, drinking water supply, and Tier III exceptional state waters. The Department of Environmental Quality should halt all activities until the conclusion of a comprehensive site-specific stream-by-stream analysis that reviews the cumulative effects of the multiple crossings within individual watersheds. This would provide a review of all potential risks to water quality that was not assessed as part of the Corps NWP 12 review process. Waterbody crossings, particularly when in excess, can affect appearance, viability of the waterbody, increase sediment deposition and erosion, impact aquatic and wildlife habitat, cause farmlands and local businesses to fail and decrease property values. In addition, the contour and physical condition of the waterbody is subject to change, adversely impacting its fishing stock, economic vitality and opportunities for recreational activities in some areas, and corroding unique and endangered wildlife and ecosystems in others.

Union Hill, Buckingham County, is a predominately African-American community. Established by freed enslaved people, Union Hill relies on a single-source aquifer for their drinking water. The ACP is to be constructed under the James River, threatening their drinking water resource. There is no consideration for pipeline ruptures which could pollute the single source aquifer which feeds the wells of Union Hill and most of Buckingham County.

The ACP (and pipeline access roads) will cross Calfpasture River (VA AP-1-0106 to VA AP-1-0172) and its tributaries 71 times, whereas the MVP project will cross the Bottom Creek (ID S-Y13 to S-B21) Watershed 36 times, yet no cumulative impact assessments for these, and all other waterbodies, was conducted nor were any substantive mitigative measures or state-mandated antidegradation requirements considered. Bottom Creek Watershed is designated as a Tier III Exceptional Waterway, which provides the highest level of protections for Tier III waters. Under this designation, new discharges are prohibited, as well as, lowering water quality for any extended period of time and water quality must be returned or restored to conditions equal or better than conditions at time of project initiation. Yet, the NWP 12, ignores this protective designation and allows for new discharges, lowered water quality for extended period (with no mitigation plan), and restoration is not being mandated.

We urge the Department of Environmental Quality to conduct site-specific stream-by-stream analyses of crossings that also reviews the cumulative effects of multiple crossings within individual watersheds, impose the necessary standards to ensure full protection of Virginia's water resources to the maximum extent possible, and work collaboratively and pro-actively with residents, business owners, property owners, and the environmental community to identify viable, equitable, earth-friendly and sustainable solutions. Lastly, we respectfully request that order all construction activities for MVP and ACP to cease immediately until all legal and regulatory challenges are resolved.

Thank you for your consideration.

Sincerely,

[Kevin Chandler](#)

Rev. Kevin Chandler
VSC NAACP
President

[Karen Campblin](#)

Karen Campblin
VSC NAACP
Environmental Climate Justice Committee, Chair

September 2018
Union Hill Compressor Station - Air Permit



Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

By Electronic Mail

September 21, 2018

Mr. David Paylor
Director
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Re: Buckingham Compressor Station- Air Permit

On behalf of the Buckingham County NAACP and the Virginia State Conference NAACP, we are writing to express our opposition to the granting of an air permit for the Atlantic Coast Pipeline Compressor Station in Buckingham County, Virginia. Our opposition is based on the following:

1. The demographic and cultural and historic data used by the applicant is not accurate.
2. The air modeling used by the applicant is not adequate.
3. There has not been a qualitative risk assessment and comprehensive Health Impact assessment completed by the applicant.

Furthermore, we also request the comment period be extended for no less than 60 days.

1 - We ask that all activities associated with constructing the pipelines are halted until accurate demographic, cultural and historic data are submitted by the applicant. Furthermore, we ask that the applicant work collaboratively with all local residents and property owners to make sure the community's intrinsic resources are included, particularly those with significant historic and cultural value (i.e. unmarked gravesites).

Federal and state laws mandate data used to determine the feasibility and safety of any project, particularly one that poses significant adverse impacts, should accurately reflect the composition and character of the surrounding community. However, the data submitted by the applicant does not.

The portion of Union Hill which was omitted from the application submitted to the Federal Energy Regulatory Commission (FERC), is predominately African-American and consists of approximately 99 unreported homes, and several historic sites; including 2 historic black churches and cemeteries. Established by freed enslaved families after the Civil War, the Union Hill/Woods Corner Rural Historic District, was listed as a "Most Endangered Historic Place in Virginia" by Preservation VA in 2016.

Since the applicant did not accurately list the actual population living within close proximity to the compressor station site, the undercount allows the applicant to avoid adhering to federal and state mandated regulations used to identify and prevent disproportionate adverse impacts to minority and elderly populations. In addition, the low population count allows the applicant to implement substandard

safety protocols, such as to: use fewer heavy pipes, place longer shutoff valve distances, operate the station 24 hours a day/7 days a week unmanned, and not be required to use odorant to help alert the surrounding community in case of a leak, to name a few.

2 – We ask that the applicant be required to use a more robust and reliable air modeling and air quality monitoring program.

According to “Fumes Across the Fence-Line, a report jointly written by NAACP and CleanAIR Task Force, “the racial disparities among communities impacted by environmental pollution in the United States is stark. African Americans are exposed to 38% more polluted air than Caucasian Americans, and they are 75% more likely to live in fence-line communities than the average American. The report defines fence-line communities as “communities that are next to a company, industrial, or service facility and are directly affected in the facility’s operation (e.g. noise, odor, traffic, and chemical emissions”.

The proposed compressor station, the largest to be built in the Commonwealth of Virginia, will be constructed within a few hundred feet of existing homes (unreported dwellings as discussed in #1), and is expected to pump hazardous air pollutants and particulate into the environment. Leakages are known to be an unpreventable part of the normal operations of any compressor station. However, due to the inaccurate population count, the applicant does not need to have, nor do they intend to implement, stringent protocols to monitor/combat potential leaks that could cause air quality degradation or pose immediate risk to the community and environment as would have been required with higher population counts.

The applicant must be required to use industry-proven technology that considers real-life characteristics (i.e. surrounding land uses, local topography, seasonal climatic changes, wind patterns etc.) to develop a robust baseline as well as, procedures to conduct consistent air quality testing.

3 - Completion of a Quantitative Risk Assessment and Comprehensive Health Impact Assessment to properly assess, evaluate and mitigate potential negative effects.

In May 2018, the VSC NAACP submitted comments to the DEQ to halt all construction activities associated with the pipeline until a comprehensive stream-by-stream analysis is conducted, and that a study of the cumulative effect the pipeline will have on our surface water bodies is performed. We continue to be committed to encouraging all efforts to include cumulative analysis for this project. Studies and personal interviews conducted by grassroots efforts revealed the Union Hill community’s residents experience existing medical conditions including asthma, and other illnesses that will be worsen by increased exposure to air pollutants and particulate matters emitted from the station.

Again, we implore you to deny the air permit for the compressor station in Buckingham County.

Thank you for your consideration.

Sincerely,

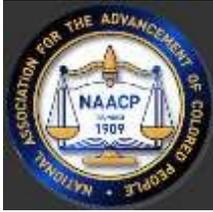
Kevin Chandler

Rev. Kevin Chandler
VSC NAACP
President

Karen Campblin

Karen Campblin
VSC NAACP
Environmental Climate Justice Committee,
Chair

October 2018
Press Release - Virginia State Conference
NAACP Troubled by State Regulator's
Refusal to Protect Our Land,
Water and Communities



Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

PRESS ADVISORY

FOR IMMEDIATE RELEASE

Saturday, October 20, 2018

Kevin Chandler

President

PastorChandler@gmail.com

Karen Campblin

Environmental and Climate Justice Committee

ECJVA2018NAACP@gmail.com

Virginia State Conference NAACP Troubled by State Regulator's Refusal to Protect Our Land, Water and Communities

The Virginia State Conference NAACP (VSC NAACP) opposes the proposed Mountain Valley Pipeline (MVP), Atlantic Coast Pipeline (ACP), and the proposed ACP Compressor Station in Union Hill, Buckingham County, VA. We are also gravely concerned over the lack of fair and appropriate response to environmental injustices perpetuated by the approval and construction of these projects and ask that a more thorough and comprehensive analysis of potential negative and cumulative impacts to the natural and social environments be conducted. Careful consideration must be made to properly identify residents located within the study area to ensure Title VI compliance and that there are no disproportionate impacts on burdened communities.

According to "Fumes Across the Fence-Line, a report jointly written by NAACP and CleanAIR Task Force, "the racial disparities among communities impacted by environmental pollution in the United States is stark. African-Americans are exposed to 38% more polluted air than Caucasian Americans, and they are 75% more likely to live in fence-line communities than the average American." The report defines fence line communities as "communities that are next to a company, industrial, or service facility and are directly affected in the facility's operation (e.g. noise, odor, traffic, and chemical emissions".

The VSC NAACP has submitted comments against the approval of the U.S. Army Corps of Engineers Nationwide Permit 12 (May 2018) and the Buckingham Compressor Station- Air Permit (September 2018). We have not received a response. Furthermore, the Governor's Advisory Council on Environmental Justice (ACEJ), which is tasked with providing advice and recommendations to the Executive Branch on Environmental Justice issues throughout the Commonwealth, submitted its first set of environmental concerns, "*Environmental Justice Review of Virginia's Gas Infrastructure*", on

August 16, 2018. The ACEJ's August 16 report included detailed, thorough and heavily footnoted review of the pipeline projects, associated infrastructure and Compressor Station, and identified cases of environmental justice issues. The report includes 7 areas of concern and recommendations to mitigate or eliminate the negative impacts. In particular, the ACEJ recommended "that the 401 Clean Water Act certifications for the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline (MVP) be rescinded immediately" and that "the Governor direct [the Virginia Department of Environmental Quality] to suspend the permitting decision for the air permit for the Buckingham compressor station pending further review of the station's impact on the health and the lives of those living in close proximity."

The ACEJ recommendations were in line with recommendations presented to the Department of Environmental Quality by the VSC NAACP, and other environmental and legal organizations requesting an immediate halt in all construction activities until a thorough review of the permitting policies and procedures and analysis of associated impacts are conducted and all pending legal cases are completed. It is well documented that the permitting processes are flawed, and yet the projects are being allowed to move forward with reckless abandon to our natural environment and communities.

On October 16, 2018, Secretary of Natural Resources Matthew Strickler, on behalf of himself and the Governor, provided what is, in our view, an inadequate one-page response to the ACEJ report and recommendations. Secretary Strickler refused to take any action to stop either the MVP or the ACP or to suspend the permitting process for the proposed compressor station in Buckingham County, claiming that decisions from federal agencies preclude Virginia from doing so. Secretary Strickler did not respond in any detail to the environmental justice concerns documented by the ACEJ

VSC NAACP is troubled by Secretary Strickler's summary dismissal of the serious, pressing and legitimate issues raised by the Governor's own Advisory Council. Thousands of people who live along the route of the MVP and ACP are being negatively impacted daily by construction issues that already have done damage to Virginia's precious water and natural resources. Federal court decisions have resulted in multiple permits having been vacated, exposing a rushed and slipshod regulatory process. More is required of our state leadership and we believe that state and federal law allow Virginia to both revoke the previous certifications granted for these pipelines under Section 401 of the Clean Water Act and to deny an air permit for the Buckingham compressor station.

On Thursday and Friday, November 8th and 9th, the Virginia Air Pollution Control Board will be conducting a Public Hearing on the Draft Air Permit for the Compressor Station at Union Hill, Buckingham County, VA. Union Hill is a predominately African-American community established by Freeman after the Civil War. The Compressor Station would be located within close proximity to existing homes. We ask that the Governor direct DEQ to not recommend approval of the permit and that the Air Pollution Control Board deny the permit and request the applicant to conduct a more comprehensive socio-economic analysis of the surrounding community, as well as completing a

qualitative risk assessment and comprehensive Health Impact Assessment. Furthermore, we ask that a more meaningful public engagement plan be implemented with residents directly impacted by the projects. An effective public engagement program, particularly for a project of this magnitude, scale and potential impact, should consist of more than just a listening tour. The public engagement process should be based on mutual respect, understanding, collaboration, two-way conversations, and most importantly, opportunities to be an active participant of the decision-making process.

**Air Pollution Control Board Public Hearing
on the Draft Air Permit**

for the proposed ACP Compressor Station in Union Hill, Buckingham

November 8th and 9th (Thursday and Friday) beginning at 9:30 am at the Greater Richmond Convention Center, Exhibit Hall Building Level 2, Room E21-AB, 301 North 3rd Street, Richmond VA, 23219

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November 2018
Press Release - Virginia State Conference
NAACP Deeply Troubled by Dismissal of
Air Pollution Board Members
Who Expressed Concern Regarding
Environmental Justice



Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

PRESS ADVISORY

FOR IMMEDIATE RELEASE

November 16, 2018

Kevin Chandler

President

PastorChandler@gmail.com

Karen Campblin

Environmental and Climate Justice Committee

ECJVA2018NAACP@gmail.com

Virginia State Conference NAACP Deeply Troubled by Dismissal of Air Pollution Board Members Who Expressed Concern Regarding Environmental Justice

The Virginia State Air Pollution Control Board is tasked with the adoption, amendment, or repeal of regulations and may consider the issuance or amendment of certain permits. The Board has the responsibility to decide whether or not to approve Dominion Energy's request for an air permit for a 56,000-horse powered compressor station in Buckingham County.

The Board received thousands of public comments, the majority of which were in opposition to the proposed permit and was scheduled to make a final decision at the November 8-9, 2018 Public Hearing in Richmond. However, a final decision was deferred to the December 10, 2018 meeting.

During the Public Hearing, it was apparent that the Board had concerns regarding the environmental injustices presented by the siting of the oversized compressor station in the historic African-American community of Union Hill. Union Hill was established by former slaves freed after the civil war. Direct descendants still call the Union Hill community home.

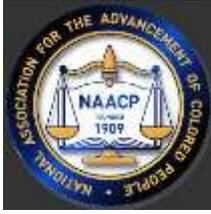
One week after the Public Hearing, Board members Samuel Bleicher and Rebecca Rubin, two of the Board members who expressed concerns regarding the permit application, have been removed from the Board by Governor Northam, effectively immediately.

While their term expired earlier this year, it was expected their term would be extended due to their involvement and knowledge of such a complex and monumental project. We fear disrupting the citizen review board midstream is a disservice to the Union Hill community's right to a fair and impartial hearing.

The termination of two valued board members at this crucial juncture diminishes the ability of the board to effectively perform its assigned job. Furthermore, the governor's action may signal to other Board members that asking too many questions about an influential utility's potential impact on a vulnerable historic community may lead to their removal.

We urge the Governor to reinstate Mr. Bleicher and Ms. Rubin immediately so that the Board can provide an informed and impartial decision that meets the purpose and responsibility of the Board, to protect Virginia's residents from unnecessary air polluting hazards.

November 2018
Press Release - NAACP Re-Affirms
Opposition to Mountain Valley &
Atlantic Coast Pipelines, Union Hill
Compressor
Station, and Southside Connector



Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

By Electronic Mail

November 30, 2018

For Immediate Release

Open Letter
The Honorable Ralph Northam
Office of the Governor
P.O. Box 1475
Richmond, Virginia 23218

NAACP Re-Affirms Opposition to Mountain Valley & Atlantic Coast Pipelines, Union Hill Compressor Station, and Southside Connector

On November 21, 2018, the VSC NAACP submitted a letter to the Governor's Office in regard to a recent agreement reached between the newly formed Union Hill Citizens' Association and the Dominion Energy Group. In this letter, the VSC NAACP noted that Dominion Energy finally agreed to provide the fire and medical support the community of Union Hill would need if, and when, the pipeline and oversized 56,000 horsepower compressor station is completed. Recent news reports have incorrectly suggested that this represented a change in position for the VSC NAACP, which has long expressed our opposition to this compressor station and the Atlantic Coast Pipeline overall. To be clear, VSC NAACP continues to oppose both the compressor station and the pipeline and urges the Virginia Air Pollution Control Board to deny Dominion's permit application.

The VSC NAACP opposes these projects because it has and continues to be concerned for the safety of the historic Union Hill community, and fears the community is still at great risk due to the damage that would be caused to Union Hill's air, water, cultural resources and quality of life, as well as the inadequate safety measures identified in the project plans. With regard to those safety measures, this agreement presents a responsibility that should have been inherently a part of the project, and was intended to correct this omission. The agreement does nothing to allay our concerns for the damage this project would do, and our previous letter in response to it in no way constitutes a statement of support for the compressor station itself. We remain opposed to these projects.

This agreement also does not relieve Dominion Energy from the other demands previously presented to DEQ about the project, and VSC NAACP expects the permit review process will begin to seriously take into account the environmental injustices presented by the VSC NAACP and the Union Hill community.

As it pertains specifically to the Air Permit for the Compressor Station, the VSC NAACP continues to stand firmly by its position submitted to DEQ and demand that:

1. All activities associated with constructing the pipelines are halted until accurate demographic, cultural and historic data are submitted by the applicant. Furthermore, we ask that the applicant work collaboratively with all local residents and property owners to make sure the community's intrinsic resources are included, particularly high consequence areas and those with significant historic and cultural value (i.e. unmarked gravesites).
2. The applicant be required to identify a more robust and reliable air modeling and air quality monitoring program.
3. The applicant conducts of a Quantitative Risk Assessment and Comprehensive Health Impact Assessment to properly assess, evaluate and mitigate potential negative effects prior to the approval of any air permits.
4. The applicant provides a compelling reason why this site is the only site on which this compressor station can be built.
5. The applicant provides a compelling reason why these pipelines are needed and to whom the energy will be sold.

President Kevin Chandler, VSC NAACP, expresses great concern and displeasure that the letter addressed to the Governor was allowed to be used as a political pawn by the applicant. The VSC NAACP request an immediate meeting with Governor Northam to discuss the environmental justice issues that are plaguing this project.

The VSC NAACP stands firmly behind the community of Union Hill and all other communities affected by these projects.

December 2018
CCAN SignOn Letter

December 18, 2018

David K. Paylor
Director, Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218
David.Paylor@deq.virginia.gov

Dear Mr. Paylor:

Given that state regulators have just rejected Dominion Energy's forecast for future energy use in Virginia, Dominion's justification for the need for the Atlantic Coast Pipeline ("ACP") and the related Buckingham County compressor station has fallen apart. As a result, we the undersigned groups call on the Virginia Department of Environmental Quality ("DEQ") to inform the Air Pollution Control Board of recent regulatory developments and advise the Board to reject approval of the Draft Permit for the compressor station.

For the first time in Virginia's history, state utility regulators have rejected Dominion Energy's long-term energy plan. In an Order issued December 7, 2018, the State Corporation Commission ("SCC") expressed "considerable doubt regarding the accuracy and reasonableness of the Company's load forecast for use to predict future energy and peak load requirements."¹ This load forecast has provided the justification for Dominion Energy's plans to build the highly controversial, \$7-billion ACP. Dominion has argued to regulators that the natural gas pipeline is necessary to meet the commonwealth's growing demand for power. With the SCC's rejection of Dominion's "overstated"² load forecasts, this justification completely falls apart.

The Virginia Air Pollution Control Board is preparing to take action on a Draft Permit for the Buckingham Compressor Station, Registration Number 21599, on December 19, 2018. The proposed Buckingham Compressor Station is one of three that would provide compression of natural gas along the proposed 600-mile ACP and the only compressor station in Virginia. As part of its review of the Draft Permit, the Air Pollution Control Board shall consider "facts and circumstances relevant to the reasonableness of the activity involved . . . including . . . [t]he social and economic value of the activity involved."³ This statutory mandate requires the Air Board to consider the need for the ACP as a whole. If the ACP is unnecessary based on lack of future energy demand, as indicated by the recent SCC Order, then so too is the Buckingham Compressor Station.

Based on the SCC's Order rejecting Dominion Energy's overstated load forecasts (which was issued after the close of the public comment period), coupled with our well-documented concerns about the environmental justice, climate, ecological, and public health impacts of the

¹ Va. State Corp. Comm'n, Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq., Case No. PUR-2018-00065, Dec. 7, 2018, p.7.

² *Id.*

³ Va. Code Ann. § 10.1-1307(E).

compressor station, the undersigned groups call on the Virginia Department of Environmental Quality to immediately take the corrective steps outlined above.

Sincerely,

Harrison Wallace, Virginia Director, Chesapeake Climate Action Network

Kate Addleson, Director, State Chapter Virginia Sierra Club

Kevin Chandler, President, Virginia State Conference NAACP

Kendyl Crawford, Director, Virginia Interfaith Power & Light

Peter Anderson, Virginia Program Manager, Appalachian Voices

David Sligh, Conservation Director, Wild Virginia

Joni Grady, Chair of CAAV, Climate Action Alliance of the Valley

Mindy Zlotnick, Buckingham: We the People

Rev. Siva Moore, Executive Director, Satchidananda-Ashram Yogaville

Lorne Stockman, Senior Research Analyst, Oil Change International

Del McWhorter, State Governing Board Chairperson, Virginia Organizing

Eleanor Amidon, Pipeline Education Group

Betsy Nicholas, Executive Director, Waterkeepers Chesapeake

April Pierson-Keating, Mountain Lakes Preservation Alliance

Helen Kimble, President, Friends of Nelson

Chad Oba, Chair, Friends of Buckingham

cc: Governor Ralph Northam

Michael Dowd, Director of Air Division, Virginia Department of Environmental Quality