

STOPPING UNNECESSARY PIPELINES & PHASING OUT FOSSIL FUEL BUILDOUT

Peter Anderson // Appalachian Voices // peter@appvoices.org

Greg Buppert // Southern Environmental Law Center // gbuppert@selcva.org

Connor Kish // Sierra Club Virginia Chapter // Connor.Kish@sierraclub.org

David Sligh // Wild Virginia // david@wildvirginia.org

EXECUTIVE SUMMARY

Fossil fuel infrastructure negatively impacts public health and the environment and contributes to our climate crisis. In Virginia, projects like the fracked-gas Mountain Valley Pipeline (MVP) perpetuate environmental injustice and hinder us from achieving the clean energy goals of our Commonwealth in an equitable manner. Pipelines like MVP represent an overbuild of gas infrastructure in the region and provide no true benefit for local communities. Like the similarly unneeded Atlantic Coast Pipeline (cancelled in July 2020), MVP should be cancelled. Legislators should adopt policies that recognize the severity of the climate crisis and strengthen protections for communities impacted by fossil fuel infrastructure.

CHALLENGE

The burning of fossil fuels harms public health and remains the major driver of our climate crisis. The fossil fuel industry perpetuates environmental injustice, epitomized in Virginia by the high number of facilities – including power plants, pipelines, compressor stations, and coal terminals – sited in Black, Indigenous, and low income communities.¹ Pollution from fossil fuel infrastructure creates disproportionate health impacts in these vulnerable communities.²

Although Virginia has recently taken significant steps in advancing environmental justice, including passage of the Virginia Environmental Justice Act and laws addressing clean energy, the Commonwealth continues to license new fossil fuel infrastructure projects. Mountain Valley Pipeline exemplifies this problem. The pipeline would increase climate disruption (MVP has the potential to emit greenhouse gases on a similar scale to 23 coal-fired power plants) and construction of the project has already wrought significant harm on the local environment and

communities.³ The pipeline has damaged Indigenous cultural and sacred sites.⁴ Moreover, MVP was fined \$2.3 million for over 300 violations of the project's water permit, and its continued construction stands to increase damage to Virginia creeks, rivers, and private water sources.⁵

The Mountain Valley Pipeline has the potential to emit greenhouse gases on a similar scale to 23 coal-fired power plants.

At the federal level, MVP seeks amendments to permit conditions — without any oversight from Virginia regulatory agencies. Despite the pipeline's legal uncertainty and history of permit violations, MVP, LLC is attempting to extend the pipeline into North Carolina as the "Southgate" extension.

If completed, MVP's projected impact on the climate could be responsible for nearly 1% of all U.S. energy sector greenhouse gas emissions.⁶ Yet, the International Energy Agency recently announced that there "is no need for investment in new fossil fuel supply in our net-zero [greenhouse gas emissions] pathway."⁷

SOLUTION

Fossil fuels are the energy of Virginia's past, not our future. Given the steps necessary to mitigate the worsening climate crisis, and the need for a clean, equitable energy future as laid out in legislation including the Virginia Environmental Justice Act and the Virginia Clean Economy Act, new fossil fuel generation and associated infrastructure should not be pursued. Absent a ban, any new fossil fuel build out, including both interstate and intrastate pipelines, must be strictly and holistically scrutinized.

We have learned from the Atlantic Coast and Mountain Valley pipelines that current laws and

regulations do not adequately protect public health or the environment from new fossil fuel infrastructure. To that end, fossil fuel and biogas projects (produced by the fermentation of organic matter), should receive stricter review, including full environmental justice reviews. Thorough site suitability investigations including cumulative health and environmental impacts on nearby communities are also needed. Enforcement of pollution laws must be prioritized, and polluters must be held fully accountable, regardless of project completion. Review processes should include bonding requirements for appropriate funding or insurance coverage, and include environmental restoration requirements.

Additionally, Virginia lawmakers should strengthen project reviews (including federal interstate projects) by increasing public involvement and participation in those reviews. Ultimately, legislative improvements that adequately account for the climate crisis, prevent future harm, and restore communities impacted by existing projects, are required.

POLICY RECOMMENDATIONS

Add a site suitability requirement to Va. code section § 62.1-44.15:81 that includes consideration of environmental justice.

Include bonding/restoration requirements in permit applications for fossil fuel and biogas projects.

Require an individual Virginia Water Protection Permit and Uplands Certification under Article 2.6 of the State Water Control Law for all natural gas transmission pipelines 24 inches inside diameter and greater that are subject to § 7c of the Natural Gas Act.

Require DEQ approval for pipeline variances submitted to FERC that could affect water quality, or impact the 401 certification (as allowed by federal law).

Increase state review and oversight, via public participation, of pipelines, including those intended to transport biogas.



Pipeline next to Near Little Creek - Franklin County, Va

Image credit: Mountain Valley Watch