

# PREVENTING PIPELINE HARMS

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## EXECUTIVE SUMMARY

The poorly planned and constructed fracked-gas Mountain Valley Pipeline (MVP) currently harms Virginia's fragile water resources and ecosystems.<sup>1</sup> Projects like MVP and the proposed Virginia Reliability Project perpetuate environmental injustice and hinder us from achieving the clean energy goals of our Commonwealth. The operation of these facilities is associated with the emission of methane, a potent greenhouse gas, as well as carbon dioxide emissions driven by end use, posing serious consequences to the climate. Ultimately, Virginia communities bear the brunt of negative public health impacts to water and air quality, along with economic harm to farmland and other critical agricultural lands. Virginia must strengthen protections for the water resources and communities jeopardized by fossil fuel infrastructure.

## CHALLENGE

Continued expansion of fossil fuel infrastructure is at odds with a healthy future for the Commonwealth, and it runs counter to climate mitigation measures recommended by the Intergovernmental Panel on Climate Change (IPCC).<sup>2</sup> Although Virginia has passed laws to promote clean energy and improve accountability measures, new fossil-fuel infrastructure projects continue to be licensed and ultimately harm Virginia communities. Water and air pollution from fossil fuel infrastructure impedes the historic goals set in federal and state laws, and the resulting harms tend to fall disproportionately on Black, Indigenous, low-income, and elderly communities.<sup>3</sup>

Representative of the overbuilding and inappropriate siting of pipeline projects, the Mountain Valley Pipeline has accrued 350+ violations,<sup>4</sup> and has the potential to emit greenhouse gasses on a scale comparable to over 18 coal-fired power plants.<sup>5</sup> Construction of the project has wrought significant harm on local environments, damaged Indigenous cultural and sacred sites,<sup>6</sup> and negatively impacted rural communities and residents' livelihoods. Additionally, the pipeline could be responsible for nearly 1% of all US energy sector greenhouse gas emissions.<sup>7</sup>

MVP received unprecedented Congressional interference in 2023 in the Fiscal Responsibility Act, which required the approval of missing federal authorizations and attempted to remove opportunities for judicial review.<sup>8</sup> This sacrifice of Appalachia will increase damage to Southwest Virginia and set a dangerous precedent for Virginia's ability to protect its natural resources.

New pipeline expansion projects proposed for Eastern Virginia, like the 'Virginia Reliability Project,' raise concerns about construction through areas overburdened with existing infrastructure and pollution.<sup>9</sup> Effects on wetlands and private wells – especially in areas prone to recurrent flooding and sea level rise – are concerning, as are potential impacts to the Nansemond River and Great Dismal Swamp, important cultural resources of the Nansemond Tribe.<sup>10</sup>

## SOLUTION

Fossil fuels are the energy of Virginia's past, not our future. Given the steps necessary to mitigate the worsening climate crisis, the critical point we have reached in that crisis, and the potential for a robust clean energy future for the Commonwealth, new fossil fuel infrastructure should not be pursued. We have learned from projects like the Mountain Valley Pipeline that current laws and regulations do not adequately protect water resources, public health or the environment from the construction of new fossil fuel infrastructure. MVP's violations highlight the perils of construction in fragile karst landscapes and through seismic zones and reinforce the need for agencies to hear from local communities about the real-world impacts they experience from pipeline construction.

Absent a ban, any new fossil fuel build out, including both interstate and intrastate pipelines, must be thoroughly and holistically scrutinized through processes that fully engage and respect the public's views and interests. Fossil fuel projects should receive a comprehensive review, including cumulative health and environmental impacts on nearby communities. For projects already in process, enforcement of pollution laws must be prioritized, and companies who pollute must be held fully accountable, regardless of project completion or abandonment. Review processes should include bonding requirements for appropriate funding or insurance coverage, and include stringent environmental restoration requirements.

Virginia lawmakers should strengthen state review of projects and increase public involvement and participation in those reviews and streamline opportunities to report problems. Ultimately, policy improvements are required to accurately recognize the current climate crisis, prevent future harm, and protect and restore communities and areas negatively impacted by existing projects.

## POLICY RECOMMENDATIONS

Include bonding and restoration requirements in permit applications for fossil fuel 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 in diameter and greater that are subject to § 7c of the Natural Gas Act.

Prohibit new fossil fuel construction in areas of karst terrain.

Strengthen opportunities for the public to report on-the-ground construction failures to the DEQ.

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