**Mountain Valley Pipeline and Equitrans Expansion Project**

**Comments of Kevin F. Foley**

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I oppose the construction of the pending Mountain Valley Pipeline (MVP) project, and request that the U.S. Forest Service reject it and adopt the “No Action” option.

**History of the Project.** Starting out, it is important look at the history of the MVP project. According to the Virginia Department of Environmental Quality’s webpage on the project, “On Dec. 11, 2019, the Commonwealth of Virginia entered into a judicial consent decree with Mountain Valley Pipeline LLC to settle violations of the Commonwealth's environmental laws and regulations related to construction activities in Craig, Franklin, Giles, Montgomery, Pittsylvania, and Roanoke Counties, Va.”[[1]](#footnote-1)

The 8 pages of violations cited by the Virginia DEQ in its 2018 notice include numerous failings on the part of the contractor, including instances of faulty construction and the release of sediment. One observation of the DEQ involved the “Combined impacts to the four streams [which] covered a distance of approximately 6009 linear feet. This unauthorized fill ranged in depth up to seven inches of sediment, which was released from MVP’s construction right of way due to damaged erosion and sediment controls.” Another violation involved “unauthorized sediment impacts to two separate unnamed stream channels located on adjacent property. Combined impacts to the two stream channels covered a distance of approximately 2, 800 linear feet.”

In a related matter involving North Carolina and Mountain Valley Pipeline, LLC, the North Carolina Department of Environmental Quality re-issued a denial of permits for the MVP’s Southgate Project in 2021, stating, “the proposed Southgate Project would temporarily impact 12.4 acres of wetlands, 13,986 linear feet of streams and 301,994 square feet of regulated riparian buffer in critical water supply areas. Land would be clear cut of vegetation, streams would be dammed, and open trenches would be cut across streams and through wetlands and buffers in order to install the pipeline.”

The Federal Energy Regulatory Commission (FERC) Environmental Assessment (EA) from August 2021 indicates that the project involves “120 trenchless crossings (117 conventional bores, 2 guided conventional bores, and 1 Direct Pipe®) of ***47 wetlands and 136 streams*** in Wetzel, Lewis, Webster, Nicholas, Greenbrier, Summers, and Monroe counties, West Virginia and Giles, Montgomery, Roanoke, Franklin, and Pittsylvania, counties, Virginia.” (Emphasis added) Purportedly, “Mountain Valley would conduct restoration activities in accordance with landowner agreements, permit requirements, and written recommendations on seeding mixes, rates, and dates obtained from the Wildlife Habitat Council.”

The FERC EA asserts that, “areas of temporary right-of-way and workspace would be allowed to revegetate to pre-construction conditions. Herbaceous and scrub-shrub areas are expected to be fully restored within 1 to 3 years.” However, there is no guarantee that the efforts at restoration would be successful. This is especially so, considering the ongoing effects of climate change.[[2]](#footnote-2)

**Safety Concerns.** It does not appear that the USFS has adequately considered the safety aspects of the project. These pipeline projects are inherently dangerous. In addition to what I stated above, the Colonial Pipeline - the largest pipeline system for refined oil products in the U.S. – ruptured in August 2020, spilling more than 1.2 million gallons of gasoline—an amount at least 18 times greater than what Colonial Pipeline Co. had originally reported nine months earlier. The spill happened in the 142-acre Oehler Nature Preserve, not far from suburban subdivisions in the Charlotte, North Carolina suburb of Huntersville.

The amount of the Colonial Pipeline spill has grown. According to a piece in Spectrum News from last August, “This is the site of the largest onshore fuel spill in United States history. State environmental officials say a fuel pipeline leaked an estimated 2 million gallons of fuel into the preserve. . . Two years after the leak was discovered, the preserve remains closed, and workers are still there trying to clean up the fuel that leaked from the Colonial pipeline.”[[3]](#footnote-3)

An editorial in the in the Pittsburgh Post-Gazette on Christmas Day, 2022, lamented that,

“The pipes are bursting.

“In Cambria County, gas leaked for weeks before Equitrans Midstream, the publicly-traded company in charge of the wells, plugged it for good in early December. About two weeks ago, TC Energy's Keystone Pipeline leaked into a waterway and the farmlands that surrounded it. This summer, Energy Transfer Partners wrapped up a methane leak in Texas only to discover an oil spill in Tennessee.

“Great, another year of totally preventable environmental disasters.”

The columnist who authored the editorial summed up her comments with,

“I don’t know which ruptured pipeline will be the one that finally wakes us up. I don't know which one will force these companies to be responsible. I don’t know which one will finally send some executives to jail.

“But it’s coming.”[[4]](#footnote-4)

The Pennsylvania Department of Environmental Quality issued a report on the gas and oil industry in December, 2022, a copy of which is available at its website. According to this report,

 “The conventional oil and gas industry’s recent record of compliance is troubling and requires DEP’s Office of Oil and Gas Management (OOGM) to explore new techniques for deterring violations and encouraging compliance with relevant statutory and regulatory provisions. Over the past five years, DEP’s OOGM has identified significant non-compliance with laws and regulations in the conventional oil and gas industry, particularly regarding improper abandonment of oil and gas wells, as well as reporting requirements for hydrocarbon and waste production and mechanical integrity assessments.”[[5]](#footnote-5)

Disappointing, to say the least. The Virginia mountain area that the pipeline would cross is too sensitive and too valuable to entrust it to an industry with such a sketchy safety record.

**Climate Change.** The EPA recently filed comments which are available in the Forest Service’s “reading room.” These comments were provided under the signature of Stepan Nevshehirlian, EPA Chief of the Environmental Assessment Branch in letter dated February 15, 2023. According to Mr. Nevshehirlian’s letter, the Forest Service needs to provide an “analysis or discussion on the climate impact the permanent conversion of 22 acres of forest to grass/shrub and industrial use (e.g., access roads). The loss of the forest’s ecosystem service of carbon sequestration, carbon dioxide capture, and its impact on climate change should be evaluated in the FSEIS.”

In this regard, an assessment done in 2017 by Oil Change International and Bold Alliance reported that “The annual GHG emissions caused by the Mountain Valley Pipeline would be almost 90 million metric tons. This is equivalent to the emissions from 26 average U.S. coal plants or over 19 million passenger vehicles. This estimate does not include construction emissions, which according to FERC, would amount to 967,684 short tons over 4 years of preparation and construction.”[[6]](#footnote-6)

Obviously, the issue before the Forest Service concerns the 3+ miles in the Jefferson National Forest. However, the USFS should not overlook the overall impact of the MVP project. This is especially so, considering the FERC EA dated August 2021 punts on the issue of the continuing impact on climate change from the operation of the project on the Jefferson National Forest. Specifically, page 75 of the FERC EA states: “Based on our analysis in this EA, we are unable to assess the Amendment Project’s contribution to climate change through any objective analysis of physical impacts attributable to the Amendment Project or an established threshold when compared to state or federal GHG reduction targets.”

That is simply not acceptable. Similarly, the USFS relied on the FERC analyses for its discussion of the effects of climate change. The USFS needs to do better. The lack of appropriate analysis mandates the No Action alternative (Alternative One).

1. <https://www.deq.virginia.gov/get-involved/topics-of-interest/mountain-valley-pipeline> (accessed February 12, 2023). [↑](#footnote-ref-1)
2. Laura G. Perry, et al, “Incorporating climate change projections into riparian restoration planning and design,” *Ecohydrology* 8, no. 5 (2015) 863. [↑](#footnote-ref-2)
3. Charles Duncan, “N.C. nature preserve, site of the worst onshore fuel spill in the U.S., still closed 2 years later,” Spectrum News 1, https://spectrumlocalnews.com/nc/charlotte/environment/2022/08/04/n-c--nature-preserve--site-of-the-worst-onshore-fuel-spill-in-the-u-s---still-closed-2-years-later (accessed February 16,2023). [↑](#footnote-ref-3)
4. Adriana E. Ramirez, “What Fossil Fuel Disaster Will Be The Last One We Tolerate?," *Pittsburgh Post - Gazette*, D5 (Dec. 25, 2022). [↑](#footnote-ref-4)
5. Executive Summary, [https://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/Governor's\_Lapsing\_Statement\_Report\_2022-12-29.pdf](https://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/Governor%27s_Lapsing_Statement_Report_2022-12-29.pdf) ) (accessed February 16, 2023). [↑](#footnote-ref-5)
6. GREENHOUSE GAS EMISSIONS BRIEFING, February, 2007, <http://priceofoil.org/content/uploads/2017/02/mountain_valley_pipe_web_final_v1.pdf> (accessed February 17, 2023). [↑](#footnote-ref-6)