The ACP is Just Plain WRONG! No Deal with Duke Energy Could Make The 401 Permit Acceptable!

Friday afternoon, the NC Dept. of Environmental Quality approved a 401 Water Quality Certification for the Atlantic Coast Pipeline later today, sources, in response to an offer from Duke Energy, and other ACP partners of a $57.8 fund for mitigation, solar funding and clean energy. "This fund does not begin to cover the damage to North Carolina's waters and communities," say advocates who have been fighting the ACP since 2015. During the public comment period and hearings for the critical 401 Water Quality Certificate last summer, over six thousand individuals and organizations submitted comments on the wide range of damage the pipeline would cause. None of the information submitted in response to DEQ's repeated “additional information requests” to ACP, LLC creates a credible picture of a pipeline constructed across hundreds of streams, wetlands, and rivers without causing erosion and sedimentation, damage to fisheries, drinking water supplies, recreational waters and sensitive wetlands.

Knowing that evidence was lacking that would justify a 401 permit, many NC groups have been calling for another round of public hearings on the volumes of information submitted by Duke and Dominion since the last public comment period closed. "Many of us commented extensively to DEQ that there was no way a 401 certificate could be legally granted, in light of all the damage this pipeline would unavoidably cause," says Martha Girolami of the Chatham Research Group. Amy Adams, a former NC water quality regulator now working with advocacy group Appalachian Voices, points out, "It will be impossible for the agency to do all of the monitoring and enforcement to prevent widespread damage, and they know it. The pressure must have been very intense to make senior DEQ staff and the Governor cave in and accept a deal ahead of permit deadlines."

Therese Vick of the Blue Ridge Environmental Defense League, goes further: “The agency seems to have been just leading keeping us busy, with repeated meetings an “listening sessions,” where overwhelming opposition to the ACP was clear. We know there are staff at DEQ who are taking their job to protect the public and its natural resources seriously, but the Governor and leadership at DEQ are willing to make a deal that does NOTHING to reduce the harm to communities of color and low income or on hundreds of landowners. This is one of the biggest Environmental Justice atrocities in NC history, perhaps the biggest!"
The 401 permitting process was an opportunity for NC regulators to evaluate several key issues that the Federal Energy Regulatory Commission failed to consider seriously in its approval: 1) the lack of evidence that the pipeline is even needed to meet a public need, 2) the lack of long term jobs or significant economic benefits to the NC public especially considering it is energy customers who will pay for the ACP, and 3) the disproportionate impacts to people of color and low income, which is a gross violation of our longstanding Environmental Equity policy in the state where the Environmental Justice movement began over 35 years ago. Duke's offer was apparently enough to overcome the conscience of the DEQ leadership and the Governor.

At the southern end of the ACP route in NC, in Robeson County, the population close to the pipeline is as high as 98% Native American. Residents near the proposed ACP terminus (which may soon be extended into South Carolina to facilitate selling natural gas for higher profits) say that they already have two pipelines through their county that have done nothing to create jobs or economic development. "Not only will many landowners and residents close to the pipeline have adverse impacts to their health, land use, safety and quality of life," says Hope Taylor of Clean Water for North Carolina, "but it will be mostly people of color and low income who will be impacted." Taylor and others have visited with hundreds of residents within a quarter mile of the ACP path in 6 of the 8 counties it will cross. "We know what those communities look like, and how poorly informed and helpless they have felt during this process. This is a moral outrage."

Marvin Winstead of Nash County Stop the Pipeline adds, “Governor Cooper should be deeply ashamed that this offer of funding from Duke, as well as other pressure, were all it took to make him look away from some of the most vulnerable people in his state--even in his home Nash County--and allow approval of this critical permit. He has been so passionate about protecting tourism and economies in the wealthier counties along the coast from drilling, how can he ignore the struggling inland counties facing the threat of the ACP?"

“It’s time for DEQ to listen to the people who will be impacted by the ACP, and not to the corporations that will profit from building this pipeline!” says Belinda Joyner of Concerned Citizens of Northampton County. Northampton County, one of the poorest in North Carolina, is nearly 60% African-American. “And, people who live close to the planned compressor station are nearly 80% African-American. A big part of the town of Garysburg would be within the “blast zone” in the event of an accident along the ACP. This decision goes against everything this Governor said he believed in when he asked for my vote and those of all my neighbors.”

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