June 22, 2023

The Honorable Tristan Brown
Deputy Administrator
Pipeline and Hazardous Materials Admin.
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Honorable Michael Connor
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
441 G Street, NW
Washington, D.C. 20314

The Honorable Willie Phillips
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

The Honorable Mark C. Christie
Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

The Honorable Allison Clements
Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

The Honorable James Danly
Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear Deputy Administrator Brown, Assistant Secretary Connor, Chairman Phillips, Commissioner Christie, Commissioner Clements, and Commissioner Danly:

We urge you to impose the highest possible safety and environmental standards available to your agencies for construction of the Mountain Valley Pipeline (MVP) before any ground operations resume. MVP is a very high risk pipeline. The Federal Energy Regulatory Commission (FERC), the Army Corps of Engineers, and the Pipeline and Hazardous Materials Safety Administration (PHMSA) should strongly consider any additional measures your agencies can take to ensure the safety of the people, lands, and clean water along its path. Nearby communities fear the known risks of this project and the known poor compliance record of the operator. Please take actions to help these communities rest easier with the knowledge that you are looking out for their safety, their water, and their land.

Pipeline construction risks are well documented nationwide. They include contamination of clean drinking water sources and surface waters and wetlands, destruction of habitat for endangered species, significant damage to soil and cropland, landslides, and even explosions leading to serious injuries and death. Communities along the entire route of MVP are justifiably concerned about these risks to their lives and livelihoods, given that the pipeline owner has already been cited by West Virginia and Virginia regulators for more than 500 violations of permit conditions and environmental laws, with large amounts of construction still expected—including 429 water crossings.[1]

[1] Appalachian Voices, "The Status and Impact of the Mountain Valley Pipeline," May 2023, https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

1. Pipeline integrity and coatings must be held to the highest safety standards

A primary area of concern is the integrity of MVP's pipes and pipe coatings. We believe most, if not all, of these pipes were coated between six and seven years ago. According to the National Association of Pipe Coating Applicators: "Above ground storage of coated pipe in excess of six months without additional Ultraviolet protection is not recommended."[2] Yet it appears that pipes that have not been buried have been stored outdoors for years—uncovered and exposed to the elements, including UV rays, rain, snow, wide ranges of temperatures, and wind. There is likely deterioration of both the exterior coating and the uncoated interiors. Pipe and coating degradation, cracking, and corrosion increase the risks of pipeline failure and explosion.[3] These pipes could be used in crossings of sensitive waterways or in areas with high landslide potential due to extremely steep slopes, seismicity, and other risk factors. Yet the 2017 FERC Final Environmental Impact Statement anticipated construction with relatively new pipe[4] and there is no information for the public on how pipe or coating defects will be remediated before pipes are placed in the ground. We ask that you require safety standards that are at a minimum as stringent as the standards put forth by the Association for Materials Protection and Performance (formerly NACE International, The Corrosion Society).

Your agencies must:

- Require that all MVP pipe and coating be inspected and assessed for corrosion and coating integrity by an independent third-party entity, using full transparency and meaningful collaboration with local communities;
- Prescribe exact criteria to determine whether a pipe and coating are safe or unsafe; and
- Require corroded pipe to be replaced and require deteriorated coating to be remediated to the highest standards, indoors in a plant to ensure the highest quality reapplication as well as protection of waterways.

2. The entire pipeline must have immediate cathodic protection

Cathodic protection systems use a low electrical current to prevent corrosion of pipe buried below ground. Cathodic protection is intended to work with pipeline coating, and degradation of the pipe coating will impair the effectiveness of cathodic protection and enable more rapid below-ground corrosion than if the pipeline were constructed with relatively new pipe and coating. PHMSA regulations require cathodic protection to begin within a year of construction, but there are reported sections of MVP pipe that have been buried for more than a year without cathodic protection. Because of potential coating degradation with MVP pipe and the many years since initial coating with many pipes underground for years without cathodic protection, there are significant corrosion concerns that indicate an immediate need for cathodic protection without delay.

Your agencies must:

- Require MVP to identify sections of buried pipe without cathodic protection; and
- Require cathodic protection for the entire pipeline immediately.

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[2] NAPCA, http://napca.com/napca_specifications.cfm

[3] PHMSA, "Pipeline Corrosion: Final Report," November 2008, https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/hazardous-liquid-integrity-management/62451/finalreportpipelinecorrosion.pdf

[4] Final Environmental Impact Statement for Mountain Valley Pipeline, LLC and Equitrans, LP's Mountain Valley Project and Equitrans Expansion Project under CP16-10 et al.

3. <u>There should be no operator choice in determining High Consequence Areas</u>

High Consequence Areas (HCAs) are areas along gas pipeline routes that are considered to present the greatest risk to human life, property, and the environment. Pipeline operators are supposed to establish extra precautions to ensure the safety of HCAs. HCAs include highly populated areas and sites where groups of people regularly gather or live. Because pipeline operators are allowed choice to identify and map HCAs, they may use the least conservative option to capture communities at high risk of explosions and other dangers.[5] This is of particularly significant concern with MVP, since its large diameter, high pressure, and steep Appalachian mountain slopes place it at higher risk for explosions than other pipelines. MVP includes 75 miles of the steepest slopes in Appalachia and more than 200 miles with high landslide susceptibility. Operators have every incentive to cut costs and safety measures. MVP should not be allowed discretion in identifying HCAs.

<u>Your agencies must</u>:

- Eliminate operator choice in determining High Consequence Areas; and
- Require MVP to use Method 1, established in 49 C.F.R. § 192.903, for the entire length of the Mountain Valley Pipeline.

4. <u>The entire route should be required to have a geohazard mitigation plan</u>

There are many geohazards in pipeline construction. MVP's route encounters geohazards such as extensive karst, including subsurface streams and aquifers, caves and sinkholes. The pipeline route also goes through a seismic zone—indeed, there were two earthquakes along the pipeline route in the past week. And geohazards such as landslides and erosion have already occurred with earlier construction of MVP, endangering lives and clean water. The impact of geohazards rival those of corrosion when it comes to pipeline safety. Pipeline operators are required to have mitigation plans, but there is considerable discretion left to the operators.[6] In addition, geohazard mitigation plans are not required outside of HCAs. Given the high extent of geohazards along the MVP route, MVP should be held to the highest standard and should be required to have the strongest possible geohazard mitigation plan and identify and mitigate against all potential risks along the entire route.

<u>Your agencies must</u>:

- Require MVP's geohazard mitigation plan to cover the entire route;
- Require strain gauge installation at the time of construction and for already installed pipe;
- Establish non-conservative tolerance levels for strain levels requiring immediate repair;
- Require geospatial inline inspection tool runs;
- Require MVP to maintain minimum depth of cover standards for water crossings; and
- Require monthly visual inspections including LiDAR to detect and track earth movement and identify potential landslides and other geohazards along this risky route.

[5] 81 FR 90062. PHMSA Advisory Bulletin, "Pipeline Safety: High Consequence Area Identification Methods for Gas Transmission Pipelines."
[6] Terracon, "Pipeline GeoHazard Management Identification, Assessment, and Mitigation of Risks," October 2019, https://www.terracon.com/2019/10/28/pipeline-geohazard-management/.

Our organizations urge you to use all the statutory and regulatory authorities available to you to ensure this pipeline adheres to the highest environmental and safety standards and help protect communities, water, and lands along its route in Appalachia.

Sincerely,

Appalachian Voices
Artivism Virginia
Chesapeake Climate Action Network
EJ Action Hub
Friends of Buckingham
Green New Deal Virginia
Indian Creek Watershed Association, Inc.
Loudoun Climate Project
National Parks Conservation Association
Natural Resources Defense Council
Pipeline Safety Trust
Preserve Bent Mountain
Preserve Craig, Inc.
Preserve Giles County
Preserve Monroe
Preserve Montgomery County VA
Protect Our Water, Heritage, Rights (POWHR)
Save Monroe, Inc.
Sierra Club
Summers County Residents Against the Pipeline
Third Act Virginia
Union Hill Freedmen Family Research Group
Virginia Citizens Consumer Council
Wild Virginia
350 Triangle
7 Directions of Service

cc: The Honorable Jehmal Hudson, Chair, Virginia State Corporation Commission
The Honorable Charlotte Lane, Chair, West Virginia Public Service Commission
The Honorable Renee Larrick, Commissioner, West Virginia Public Service Commission
The Honorable William Raney, Commissioner, West Virginia Public Service Commission