Lakshmi Fjord, Friends of Buckingham

Expanded Testimony

My history in Buckingham County began in 1979, where we purchased land to build Yogaville Virginia, a spiritual community, retreat and yoga teaching center. Yogaville enjoys a mile of river frontage on the designated Scenic and Historic James River, vistas of the Blue Ridge Mountains, three live springs, farm pond, and pure air, well-water, and rich alluvial soil. Atlantic Coast Pipeline’s (ACP) plan to cross under the James River using horizontal drilling on land belonging to Yogaville community members risks our future peaceful, healthy way of life and livelihood.

For the past three years, the focus of my full-time, volunteer work is to research and document evidence in the public record to counter the total omission of required information about key, highly impacting, ACP infrastructure sites planned for Buckingham County. These include ACP’s only Virginia compressor station sited in the middle of the majority African American community of Union Hill. Where ACP’s business plan requires their new 2-pipeline corridor to intersect underground with the existing 4-pipeline Transco, using 14 gas turbine engines at 54,000+ hp to transmit gas 200 miles in 3 directions, 2 underground and 1 above ground storage tanks, and a metering station to pressurize volatile fracked gas to highest psi allowed. On Buckingham’s side of the James River, the horizontal drilling site under the river is on Yogaville community members’ land. This site is where Monacan Indians then English colonizers and today’s farmers have benefited from the richer soil from seasonal flooding and the protections of the steep slopes and descents of its topography.

It is not an abstraction to Buckingham residents that both are especially risky construction projects that will have extremely hazardous day-to-day operations. In nearby Appomattox County, Virginia, in 2008, a small Williams/Transco compressor station pipeline exploded, leveling 2 houses and injuring 5 people. The pipeline owners were fined, but did not pay for residents’ losses. Buckingham County’s over 120-year recorded history of earthquakes – most recently as the epicenter in November 2017 beg the question: how will ACP plan for the impacts of this fact on pipeline infrastructure?

We will never know. Our history of earthquakes is but one of the total absences of key Buckingham County information in ACP’s application, and FERC’s FEIS, when FERC approved the ACP’s certificate of use on Oct. 13, 2017. Despite numerous public and expert comments to FERC and VDEQ, site demographics and environmental justice impacts, historic cultural resources, geological hazards and topographies, soil characteristics, migratory species and habitats, and proximity to single source aquifers for all residents’ individual wells were missing.

This stands in stark contrast to other Virginia counties where ACP included hundreds of pages of historic cultural resource reports, photographs, soil studies, geologic hazards etc. where solely the 2-pipeline ACP corridor is planned. Not the six pipeline, major industrial, toxic polluting facility ACP plans for Union Hill. We set out to correct the record and at the same time uncovered the cost benefits of erasing Union Hill’s history.

**Union Hill’s true population and historic cultural resources**

Over two years ago, I began a study of the historic resources of ACP’s Virginia compressor station location (CS 2) to apply for and receive “Most Endangered Historic Place in Virginia” listing for Union Hill/Woods Corner Rural Historic District from Preservation Virginia, the oldest statewide, historic preservation organization in the U.S. (which owns Jamestown). I discovered that ACP purchased the 68-acre CS 2 site in secrecy from white descendants of former Variety Shade plantation owners. Nearby but not part of that purchase, is Variety Shade’s slave burial site, with more than 100 graves, and the plantation family’s existing cemetery.

I soon learned that erasing evidence of Buckingham’s slavery past to prevent having to pay the costs associated with acknowledging it has a long history here. On February 26, 1869, the day the U.S. House of Representatives passed the 15th amendment giving former slaves the right to vote, vigilantes burned down the Buckingham Courthouse. From news articles of the day, I learned former slave-holders feared that wills with names of inherited slaves or records of slaves purchasing freedom from named owners would be used by the 2:1 former slave majority to sue for restitution for enslavement.

Since 1979, I knew Buckingham is notable in Virginia for being where descendants of former plantation owners and descendants of former slaves still live nearby each other -- mostly in segregated clusters. A code of silence about slavery also remains in a place where the Union Hill residents who spoke out against siting CS 2 in the middle of their community faced reprisals. It is Charles White’s painstaking, 25-year research from social history sources found in his book, *The Hidden and Forgotten: Contributions of Buckingham Blacks to U.S. History* that informs the list of names of current Freedmen descendants in Union Hill.

To map the density and population of households surrounding CS 2 on all sides, Friends of Buckingham and its allies undertook a door-to-door household study of the 99 households in the 1.2-mile radius of CS 2 that we named Union Hill/Woods Corner Rural Historic District – using National Historic Register terminology. Even the name helps in understanding the persistence of a racial divide. Union Hill is the African American name for this place; Woods Corner the white one. Our study included questions about numbers of residents *and* numbers of frequent visitors because these heritage lands are where most working-age African American adults return on weekends, or multiple times per year for large family reunions. Our study also asked for self-identified race(s); family burials in Buckingham cemeteries or on heritage lands (a proxy for slave and Freedmen ancestry); economic uses of their land and uses for agriculture (in an A1 agriculture zone now being targeted for heavy industrial use); and existing health conditions known to be exacerbated by the toxic emissions, VOCs and particulate matter applied for in ACP’s VDEQ “minor source” air permit CS 2.

Our study teams reached residents in 63 of the 99 households closely surrounding the proposed CS 2. For 63 households or 64% of the total, we found 158 residents. With less than two-thirds canvassed, Union Hill’s population is 5.6 times higher than reported by ACP’s and FERC in public filings. This visibly suburban level of habitation was masked by ACP’s decision to use the census data averaged for the whole county -- or 28.2 people per square mile. Of the actual 158 residents counted, 85% identify as African American/Black or bi-racial.

**Why “Rural” Designations Benefit ACP: Case of Union Hill**

While FERC in its FEIS names the CS 2 site as an “environmental justice community,” it does so solely on the basis of Buckingham’s average income (second poorest in Virginia) – not by its minority population. By perpetrating the fallacy that the proposed Union Hill compressor station’s site is “rural” i.e. sparsely populated, ACP saves a considerable amount of money at the same time that it prevents public backlash practicing environmental racism. By not conducting a factual population/race survey, archaeological and cultural resource inventories, full NEPA review, health assessment study or use of Clean Water Act guidelines, ACP greatly shortened their timeline and greatly diminished their development costs.

“Rural” designation allows ACP to save money on construction costs. Within the pipeline classification system based on population density (urban-centric, as it gives highest protection to places with buildings of 4 or more stories), rural density classification allows ACP to use thinner walled pipes with greatest distances allowed between shut-off valves. Factual population density of Union Hill would require use of Class 3 or Class 4 pipes with closer valve distances, and alert VDEQ to the higher levels of risk to greater numbers of people’s water and health from living in close proximity to Virginia’s ACP compressor station.

**True Costs Borne by Union Hill Residents from CS 2: Health impacts on a front-line climate change community**

From our household study’s open-ended health responses, we found a disproportionately large number of Union Hill’s residents have pre-existing chronic conditions known to be greatly exacerbated by constant exposure to the toxic cocktail of fracking production chemicals that enter pipelines with the methane gas (listed in our Summary Report). Existing health conditions already reported by Union Hill residents include: large numbers of young children as well as adults with disabling severe asthma; 2 year-old triplets with severe lung disorders; several cases of COPD; high numbers of residents living with diabetes, high blood pressure, heart conditions and uses of pacemakers, several ischemic strokes; individuals with breast or brain cancers; and, several people with immune disorders including MS and lupus.

Air Pollution:

According to ACP's own VA DEQ air permit application for the Union Hill compressor station, the facility would generate yearly emissions of 468,450 combined pounds per year of nitrogen oxide, carbon dioxide, volatile organic compounds (VOCs), particulate matter, and hazardous air pollutants (HAPs). FERC's FEIS estimates this compressor station's climate change contribution at 293,688 metric tons per year. In the air permit, the “above normal ambient air quality” reported by Dominion at the CS site currently, allows ACP to apply for the highest possible thresholds of emissions of particular toxic chemicals. Thus, the people of Union Hill are being targeted for the greatest emissions of the 3 ACP compressor stations because they have been good stewards of their air, water, and soil.

The physical and emotional toll that Union Hill residents report from having their 250+ year-old community targeted by ACP to bear the highest per community load of toxic emissions on their route. Most express a persistent deep anxiety and worry, perseveration, sleeplessness, feelings of powerlessness and despair. People living closest to the proposed site receive many phone calls a day asking for Dominion’s subcontractors to conduct water tests on their wells, not independent scientists. Dominion subcontractors regularly trespass on private property with no granted easements to inspect their homes and foundations. These actions are a form of slow violence perpetrated on people who have the great misfortune of living where Dominion wants to capitalize on the high rates of return FERC sets for interstate fracked gas transmission. ACP’s business plan does not include access to gas, which is destined mostly for export. These experiences of helplessness and loss of control of their property rights contribute to constant feelings of dread, a constant need to look out their windows, and listen for trespassers. Together this circumstance creates existential despair -- what I am calling “anticipatory traumatic stress.”

Water Pollution:

Union Hill’s actual population numbers heighten public health concerns about a potential drinking water disaster, which The Safe Water Drinking Act (SWDA) is meant to prevent. “Each state is required to develop and implement a Wellhead Protection Program to identify the land and recharge areas contributing to public supply wells and prevent the contamination of drinking water supplies” (ACP FEIS, 4-78).

VDEQ in its provisional approval of ACP’s 401 Water Permit does not address the fact that the **sole drinking water source for 100% of Union Hill households is from individual residential wells,** as it is in Buckingham County generally. These wells in Union Hill are as close as 500 feet from the already existing Transco underground corridor of 4 pipelines, which passes through a large wetlands area mapped on ACP’s facility documents. It is within that wetlands area that ACP plans to connect their pipelines with Transco’s.

EPA defines a “sole source aquifer” as “one that supplies at least 50% of the drinking water consumed in the area underlying the aquifer, where contamination of the aquifer could create a significant hazard to public health; and where there are no alternate water sources that could reasonably be expected to replace the water supplied by the aquifer” (EPA, 2016 in FEIS, 4-78). For the Union Hill’s community, and again for almost every community in Buckingham, there are no alternate water sources.

Nowhere in ACP’s filings or FERC’s FEIS are these risks to single source aquifer/drinking water source by this infrastructure location reported. ACP claims they will use “best in class” technologies and expertise. However, they do not specific what these are nor does FERC or VDEQ’s provisional approval of ACP’s 401 water permit mention further details or requirements to protect water sources.

Forcing this disproportionately elderly and very young, disproportionately chronically ill, minority population to breathe air and drink water polluted by fracked gas chemicals, the Union Hill for a mega-compressor station constitutes human medical experimentation, the outcomes of which like the Tuskegee Syphilis Experiment, are already known to medical science (see newly published, 5th Edition: *[Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking,](http://e-activist.com/ea-action/broadcast.record.message.click.do?ea.url.id=1289351&ea.campaigner.email=yTWW6y5Vrlfn%2BxWmSBWwXJku6OPFCMj%2F&ea.campaigner.id=uVzHVQ254c2ZkArzVWMSmA==&ea_broadcast_target_id=0" \t "_blank)*).

**Unequal participation in democratic processes**

The compressor station planned for Union Hill is not industry standard, as described by FERC. “Best practices” for siting even small compressors stations 1/7th the size of the one ACP would build in Union Hill were mentioned in a study promoted by FERC in its FEIS, and conducted by the National Fuel Gas Supply Corporation. “Identified commonalities” in all seven New York State places with small compressor stations were their sites “on large land parcels and set back from the road; natural and constructed buffers were utilized; and compressor station sites were generally in rural areas removed from higher density development.” None of these are true for Union Hill.

Yet, the bond held in surety for the life of the ACP that the Buckingham County Planning Commission recommended to the Board of Supervisors for the compressor station was excised the day before the Board’s vote when Dominion circulated a nonbinding Memo of Understanding (MOU) about a “tap” they suddenly offered into the ACP for a most-desired commercial park in Buckingham. A park that no one any longer believes will ever be built. Despite 91 public comments against approval of the compressor station site and only 3 in favor, Buckingham’s Board of Supervisors voted unanimously and without provisions to accept Dominion’s site and plan with few construction details.

Thus, Dominion Resources, principal owner of the ACP and largest political campaign donor in Virginia, neatly exerted its power to sidestep responsibility for the true costs of the compressor station. Which are health costs paid out in medical visits, in lost sick days, and early mortality, in lost land value costs to inter-generational wealth passing of family and heritage lands, in current economic uses of one’s property. We know from other communities with existing, far smaller compressor stations, these costs will be borne not by the developer but by the most impacted people.

In Buckingham, these unequal costs from political negotiations between Dominion and the county follow over 250 years of race-based discrimination. Dominion chose a site for the compressor station, as noted, in a majority African American neighborhood on former slave plantation lands. At the same time, also in Buckingham, Dominion built a much-desired solar farm also on a former slave plantation – this one still owned by white descendants. Where the white landowner receives monthly lease payments instead of a one-time forced easement payment for lands crossed by Dominion’s fracked gas pipeline. Union Hill landowners are not protected by a surety bond nor will receive even an easement payment. Lands adjacent to the compressor station not crossed by the pipeline receive nothing for their troubles.

**Cost benefits of environmental injustice and human rights violations**

These strategic omissions have served ACP well by providing enormous cost benefits. ACP omissions successfully foreclosed public access to information necessary to decision making by FERC commissioners, Virginia Department of Environmental Quality (VDEQ) staff, local and state elected officials, and the public. Now ratepayers do not know increases in their utility rates to pay for the ACP will impact their wallets and perpetuate environmental racism and climate change. Missing information would have had to be addressed by FERC, VDEQ, and elected officials in decisions to grant certificates of use or to authorize permits for the ACP. And, once granted, this information if known would of necessity had to guide and shape key construction and mitigation requirements.

These omissions and their consequences point to a cumulatively devastating list of environmental justice violations of National Environmental Policy Act (NEPA) guidelines and violations of human rights to information, participation, health, clean air, clean water, and to the preservation of community identity and culture by Atlantic Coast Pipeline’s plans to build new fracked gas infrastructure.