

#6 Irene Leech  
Written Testimony

As I start, I want to show you two places: 1) Buckingham County, in the geographic center of the state, is where my family has lived for generations for well over a hundred years. The Atlantic Coast Pipeline is proposed to bisect our property and business there. And, 2) in Montgomery County, Virginia where the Mountain Valley Pipeline comes through. This property, where I live as I do my job teaching at Virginia Tech, is within a mile of the Mountain Valley Pipeline. In both cases, a compressor station will be about four miles away.

Rural areas built this country. A generation ago everyone was rural. Now our political power has moved to the populated areas. In the competition for resources the populated areas keep seeking their "fair share," feeling that they're sending all their money to the rural areas; forgetting that until recently rural areas gave to them. In my work as a consumer educator and advocate I have found decreasing understanding of rural areas. Young people no longer spend their summers in the country with their cousins, and learn about and work on the farms.

From Washington, DC to Richmond I find that people have a total disconnect with rural areas and our issues. I've been told with disgust "We send welfare to the rural parts because they don't have the gumption to get up and move to where they can earn a decent living." They seem to think that all we do is sit on the front porch and rock. They talk about what they perceive as our empty roads, not realizing that they're crumbling, that they're not available where they're needed, and they aren't even empty, they're not built for the traffic, especially trucks, that they're handling.

As I've worked on behalf of consumers with the Virginia Citizens Consumer Council, particularly on utility issues like electricity, cable, and telephone, I've found an unwillingness to invest in rural areas that's becoming stronger every day. Efforts to get broadband have led them to say "Oh technology will improve someday and it'll get to you;" or the CEO of a Virginia telecom publicly told me to move from the 1797 house that we spent 15 years renovating. We hadn't heard of the internet when we started this project over 30 years ago. The audience of lobbyists, regulators and legislators laughed when he said that to me. I responded: "What if society needs some things from rural areas, what are we going to do about that?" His answer: "If we need that then we will pay them welfare to live there." That's not acceptable. Companies regularly seek to undermine those who speak for rural areas, trying to get others to not believe what we say. They even try to convince others that all of us are violent and thus must be "handled" with extreme caution.

Many consider Charlottesville and Lynchburg west, or Roanoke at the very furthest, and they don't realize that it's four hours farther to the tip of Lee County. I've been there, worked in that area. But when it comes to the negative externalities, they're very glad to put their garbage and stinky farms (that's what they think of our farms) their other facilities, in rural areas. They're also willing to allow big business to avoid paying for the negative externalities it causes to provide products used somewhere else. If you've never been to mining country and seen the destruction, you should visit or now, visit fracking country. I find that many of the urban people don't value the same things that rural people do. They don't understand that our land is a part of who we are. They move frequently and don't establish the same ties to the land that we do, or the same commitment.

Most rural people have private wells or springs for water. Generally, there is no public water supply available. These wells and springs are sensitive and fragile. We are concerned that the pipelines will interfere with our water sources and we know from others' experiences that it will be difficult to replace our water supply if it is destroyed. These companies deny that they are responsible.

Many people accept the easy images the PR folks are putting out that it's really ok to insert the pipelines, and you won't know they're there; but they're ignoring what's really happening. They compare these 42 inch high pressure pipelines to existing 12 or 20 inch pipelines that are not under high pressure. They are unaware of the difference in safety standards for pipelines in rural areas compared with urban areas. PHMSA's standards and the voluntary industry standards require more care be taken in populated areas and that more inspections occur in populated areas. Both the government and the pipeline company save money in rural areas. They sacrifice us.

People live in rural areas for quiet, to see the stars, to have clean air and water. We accept not having a grocery store on the corner in order to do that. I've been told in this process that my air is so clean at my farm in Buckingham that my animals and I can afford to accept a whole lot more pollution and not be harmed. I should accept that without question, get nothing for it being taken away, and consider that this is for "the greater good."

Rural people have worked for generations to build what we have. In my case, I grew up with the responsibility to care for the farm that my family was developing, knowing I was to care for it and pass it to the next generation in as good or better condition. With the pipeline coming through the middle of it, that I didn't manage to stop, I will fail.

My great-grandfather moved to the farm, away from the family homestead that was the next farm over, about 1900. The house there was built in 1804 so we've owned it for roughly the second half of its life so far. I planned to retire there and I'm the third generation since him. My great-grandfather died young so my great-grandma rode side saddle to run the farm before she had the right to vote. She was the first woman to serve on Buckingham's school board. The second woman to ever serve on the Buckingham school board was my mother, appointed in 1976. My grandfather was the local extension agent for many years. My father was active in the community.

We have nurtured the farm. We've expanded it, bought more land. I never expected that the challenge that I would have to keeping the promises that I've made to my family to take care of our land would come from another business. I never thought that dangerous infrastructure that I have to worry about every day could be forced on our property through the middle of land we use the most.

From the first time my family saw plans for the ACP bisecting our 100+ year old family business, we repeatedly asked that if it was routed through their property, the line be moved from the center of the business, and the very center of the portion of the farm we use most, to the edges of the affected fields or better, to the edge of the entire property. Without argument, and at the beginning of the process, we allowed access to the property for all of the required surveys. We also told ACP we would not consider an easement offer until after certification. None of the easement offers sent to the family through the process addressed the request to move the pipeline. We explained how disruptive the proposed location will be to farm operation during and after construction. The minimal move requested will also put all of the farm houses and other buildings on the edge of the incineration zone instead of in the middle of it, granting a measure of additional safety. After certification, the applicant refuses to

consider moving the location, even though it is regularly filing other route adjustments with FERC. The applicant has also told us that it would have communicated better with us if we had not hired an attorney to represent us.

My family has over 400 head of Angus seed stock cattle, divided into seven groups. These animals must be brought in to the center of the farm on a regular basis for weighing, health care, and other tasks. ACP requested and obtained immediate possession of the right of way but did not attempt to discuss the logistics of the specific building schedule or consider the needs of the farm business to continue operating during construction until pressed. Construction will likely start in September 2018 but as of March 2018, there has been no negotiation about how water lines will be extended so cattle cut off from their water source can be taken care of, how fences will be built along the right of way to keep the animals from the work area, or anything else required to keep the business functioning. The people involved with the ACP have no understanding of the curiosity of cattle who I will guarantee you will destroy the markers that they think they can put through the middle of the field as permanent markers.

Along the ACP in central Virginia, the DEIS Hearings were held in March 2016. The first was in Farmville, VA, a community not crossed by the pipeline. It was the meeting intended to serve citizens of neighboring Buckingham where the only Virginia compression station was sited. However, few citizens attended. The meeting was at night, outside the county, and many affected people are elderly and do not habitually go out at night, especially when the destination is so far away. Citizens arrived with signs and banners but were not allowed to put them in the ground, only hold them. None were allowed inside the school where the hearing was held. The following night a hearing was held in Nelson county. Dominion representatives had put banners and signs all over the school property early in the day. They also provided a list of their speakers, front-loading the testifiers. Most of their speakers left before the affected landowners spoke and although the school extended the time for everyone to be out of the building until 10:00pm, many did not get the opportunity to speak. Dominion provided a meal for their speakers in a private area. One speaker testified that she, as a Dominion stock holder, had been invited to dinner with a representative and asked to speak. She revealed the strategy and spoke against the project.

By the time the FEIS was released, FERC redesigned the hearings to require that speakers go to a private room with a FERC representative and a court reporter. Thus, other participants did not hear the testimony. The process was also very slow; a number of people arrived by 5pm for the Roanoke, VA meeting, but by 8pm, realized that their numbers were not going to come up by the established 9pm meeting end so they left. Speakers found the transcriptions later filed in the FERC record to be inadequate and that they failed to communicate the messages given. There was no process by which testifiers could correct the record. However, there were widespread complaints in all three states when problems in the DEIS were identified but not corrected before the FEIS was released. This resulted in many landowners feeling that their issues were ignored.

They assure me that it's going to be safe. When we started this they told me that they were going to use broadband fiber along the entire pipeline to keep track of it 24/7 in the most sophisticated way that had ever been done. Guess what? They ditched it. They're going back to last century technology. In this industry they have a long record of once something's built, if the rules change, they don't require that they go back and update the things that were already in place. Everything that they do is risk based today and they're looking at their risk and what their costs are. They don't put our costs in the equation.

The Pipeline and Hazardous Materials Safety Administration or (PHMSA) has never been funded like it should have been. The industry has set things up to avoid collecting data that we could use to prove that there are problems. In fact, the National Transportation Safety Board found that many of the types of data that are required are not even being collected.

Most rural pipeline infrastructure is monitored from hundreds of miles away. If it takes hours for industry personnel to reach a location with a faulty cut off valve, the gas will continue to escape until they arrive. That means that a fire will burn until someone arrives. This is not accepted for populated areas.

In 2015 the Pipelines and Informed Planning Alliance (PIPA), sponsored by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) released guidelines for mitigation of pipeline risks. Those involved represented a wide range of pipeline related industry groups. However, no representatives of landowners, especially businesses whose property was taken to site infrastructure, were included. The guidelines address the needs of the natural gas industry and suggests that for safety reasons local governments should encourage zoning and use regulations that protect the pipeline infrastructure. In fact, they suggest requiring a zone of 665 feet in either direction from the centerline of the pipeline be left free of obstructions or flammable materials. They suggest that since fire is the hazard that is likely to cause the most damage that zoning regulations be established by localities similar to those used to prevent wildfires in the west.

The guidelines do nothing to protect the landowner or business whose property the industry chooses to take, siting the centerline of its infrastructure closer than 660 feet from existing buildings and uses. Conveniently, pipeline developers only take a 50 foot right of way and only pay rent during the building process for 125 feet, but the risk mitigation guidelines seek 660 feet. Landowners continue to pay property tax on all of the land, including that containing the pipeline. Developers insist that insertion of a pipeline has no negative impact on nearby land and/or buildings. They also refuse to pay landowners a portion of the profit from energy that moves through their property or ongoing rent for use of that land. The guidelines suggest that localities make an obligation of developers to consult with the pipeline owner prior to seeking zoning or other approvals. They suggest that developers be required to present written documentation of this consultation and describe it as protection.

However, landowners facing requests to sign easement agreements and eminent domain proceedings are repeatedly told that after the pipeline has been installed, they will not know it is there and it will not inhibit use of the property. It is standard practice for the industry to downplay the fact that the pipeline cannot be crossed by heavy vehicles and that effectively, the right of way and adjacent land are “off limits” for uses beyond basic walking over by humans and animals. Farmers are even advised to not park farm equipment on the right of way overnight. Safety requirements will drive actual use, regardless of what company officials say during the planning process. The law is on the side of the industry, easements grant pipeline companies’ unfettered use and “enjoyment” of the land, placing pipeline use above all other considerations. However, landowner compensation does not correspond with the losses incurred.

Today many pipeline companies are set up as limited liability companies to protect the parent companies from any losses. This means that landowners and communities are left largely unprotected in the event of a large loss. The costs of this whole fracked gas system are socialized on us. Pipeline

companies seize the utility's obligation to serve as justification for their use of the right of eminent domain. None of this is not fair to landowners and it is creating sacrifice zones in our communities.

The processes used to conduct the public meetings required for pipeline approval systematically disadvantage and attempt to silence those with concerns. At some of the meetings audience members saw young people who had apparently been recruited by MVP being handed something that looked like Walmart cards as they left the speaking podium. Those same young people had been holding signs in support of the pipeline prior to the meeting. Yet numerous people accused those opposing the pipeline of being paid protesters when none were.

The FERC manager leading Virginia's MVP scoping meetings repeatedly yelled at the audience, threatening to close the hearing and accept no testimony if participants did not act as he wanted. He forced those standing at the back of the auditorium to move, then repeatedly stopped the hearing to berate and force the next group of people who collected there to move.

Virginia's Water Board Hearings in December 2017 were the most extreme. Armed police in riot gear, dogs, remote operations centers, and specific, closely enforced rules met citizens. The auditorium had a balcony on three sides; police were peppered throughout the property. Speakers who arrived before daylight to get on the list of speakers early in the process saw police with dogs sweep the meeting location inside and out before allowing anyone inside. The MVP meetings were held first and the security escalated before the ACP meetings even though there had been no problems. During the ACP meetings participants were forbidden from standing against the walls, even to use an electric plug. Speakers discovered that instead of calling speakers in the order in which they arrived and signed up, as advertised, organizers alternated pro and con speakers (each had to identify their position before being allowed to sign up to speak).

Congress told safety regulators to emphasize the high consequence areas. That means the populated areas and usually ones that have, you know, at least five stories and so forth. The low count areas like where we live don't get the same level of safety. They're sacrificing the rural areas, stripping us of our wealth, doing a cost-benefit that ignores us. Sacrificing us.

In Buckingham, the compressor station that's going to be put at the crossing of this pipeline and the Transco line that's been there for 50 years will put pressure on Transco that hadn't been there before, that will reveal defects that weren't shown before. Another sign of sacrifice.

Laws and regulations must be changed. Land is the most valuable resource rural people have and it is treasured and passed from generation to generation. We must stop sacrificing rural areas of the United States.