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A recent bill released by West Virginia Sen. Joe Manchin aims to expediate the development of several fossil fuel projects by loosening the country's energy permitting rules. If the bill passes as is, the Mountain Valley Pipeline (MVP), a project of particular concern due to its myriad safety issues, would be put on the fast-track to a full permit.

MVP, long delayed by successful lawsuits in the Fourth Circuit Court of Appeals, could reemerge from its state of stasis as a result of Manchin's bill. The bill would pass all future legal challenges to the United States Court of Appeals for the District of Columbia Circuit, removing jurisdiction from the Fourth Circuit court.

The Pipeline Safety Trust has deep safety concerns with the construction of this pipeline. The risk of a pipeline failure is a function of both probability and consequences. The pipeline's large diameter and high pressure mean the MVP could dramatically damage a much larger area than most natural gas transmission pipelines, making the consequences of a potential failure greater. But there are also at least two other factors we are concerned about which increase the probability of a failure on the MVP:

1. Mountain Valley Pipeline is at risk of failure from movement of the steep slopes that it traverses, risking a catastrophic rupture in difficult terrain.

2. There are significant concerns about the effectiveness of the FBE epoxy coatings on the pipeline segments that have been exposed to sun and weathering for far longer than recommended by the manufacturer. The coating on a pipeline is critical in protecting against corrosion, a major cause of pipeline failures.

“Protective coating is the first line of defense against dangerous corrosion. As far as I can tell, we are in uncharted territory with the MVP pipe sitting for so many years exposed to damaging UV rays,” Pipeline Safety Trust Executive Director Bill Caram said. “I don't think the public should serve as guinea pigs to learn how long past a manufacturer's recommendation pipe coating can hold up to the sun.”

At 42 inches in diameter, MVP would tie for the largest diameter natural gas pipeline in the country. If in service, MVP would transport 2 billion cubic feet of natural gas operating at a pressure of 1,480 pounds per square inch.

The potential impact radius (PIR) for the Mountain Valley Pipeline is at least 1,100 feet in every direction from any future rupture site on the pipeline. According to US Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), a potential impact radius is defined as the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. In total, there are 126 square miles along the Mountain Valley Pipeline route located within PIRs. Families living in these areas are at increased risk of death or injury upon rupture of the pipeline.

It should be noted that the PIR calculation for the Mountain Valley Pipeline may not even be correct. It is possible that the effects of a failure on MVP could extend even farther than 1,100 feet from the rupture site. A recent recommendation from the National Transportation Safety Board (NTSB) has directed PHMSA to update their PIR formula following a 2019 fatal pipeline explosion in Danville, KY where the damage from the explosion extended farther than the agency-approved calculation indicated it would.

“The recent NTSB investigation report on Enbridge's fatal explosion on a 30-inch natural gas pipeline should serve as a stark warning on the risks these large pipelines pose to communities,” Caram said. “NTSB correctly pointed out that PHMSA's potential impact radius formula is inadequate, meaning the sections of our communities at risk are larger than what current planning and construction efforts are designed for,” he said.

The Mountain Valley Pipeline is extremely susceptible to the risk of hazardous landslides and earthquakes. Part of the Mountain Valley Pipeline route goes through the Giles County seismic zone. To date, MVP has experienced a multitude of landslides, some of which have extended beyond the pipeline right-of-way and caused homes to be evacuated. The Federal Energy Regulatory Commission (FERC) approved a landslide mitigation plan created by MVP, but the landslide history along the line makes clear the plan is inadequate.

Climate change continues to exacerbate the frequency of intense rainfall events, and in turn, the number of geohazards on MVP's route through the

heart of Appalachia. In June 2022, PHMSA published an advisory bulletin warning operators about the detrimental impacts of geohazards and urging them to review their systems and how they identify and mitigate against risks from geohazards.

Manchin's bill attempts to force through the MVP by directing decisionmakers at half a dozen federal agencies to issue permits and approvals despite valid concerns raised by litigants and the public at large—all in the name of "cleaner fuels" and "reduce[d] carbon emissions." MVP presents unique risks and the litigation trying to reduce those risks and reach fair compensation for the landowners whose land has been taken for this pipeline should be allowed to continue and have full and fair hearings in court.

"The Mountain Valley Pipeline is an especially large diameter, high-pressure natural gas pipeline whose failure could lead to devastating loss," Caram said. "We need to take that very seriously. Building it through steep terrain susceptible to landslides with pipe that has been exposed to coating-damaging UV radiation for years past the manufacturer's recommendation is not taking this risk seriously enough. This is not a time to be building such a pipeline, let alone loosening safeguards in the process to do so," he said.

Submitted on behalf of Bill Caram, Executive Director, Pipeline Safety Trust

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