

Buckingham County Planning Commission
September 26, 2016
Administration Building
7:00 PM
Public Hearing for Case 16-SUP236

OWNER/APPLICANT: Atlantic Coast Pipeline, LLC 120 S. Tredegar St. Richmond, VA 23219

PROPERTY INFORMATION – Tax Map Section 91, Lot 60 containing an approximate 68 acres, on S. James River Hwy (Rt. 56), in the James River Magisterial District.

ZONING DISTRICT – Agricultural District (A-1)

REQUEST –Special Use Permit – Atlantic Coast Pipeline (ACP) is asking the Planning Commission to recommend approval for a Special Use Permit (SUP) for the purpose of installing and operating a natural gas compressor station.

BACKGROUND/ZONING INFORMATION: The property is located in the western portion of the County. The property is zoned Agriculture (A-1) and the Comprehensive plan list the area as agricultural and forestal. The applicant has stated the station is within the Comp. Plan because it is outside of designated Village Centers and Growth Corridors, low traffic and low population density in the area. However, this is only a broad and fast look at the Comprehensive Plan. The applicant has made application for an air permit through the Department of Environmental Quality (DEQ) and the DEQ will be the regulatory agency regarding all air emissions. However, there may still need to be some edification for the County regarding controls, level of emissions and possible health and environmental risk. The Agriculture District (A-1) requires that utility generating, boosting, relaying etc. stations must obtain a SUP but at this time the Planning/Zoning Department recommends further study of the information prior to sending a recommendation to the Board of Supervisors.

Below are the suggested conditions for the Special Use Permit as edited by PC on 8/22:

- 1) The compression of natural gas will occur through natural gas fueled turbines with no greater than a combined 55,000 ISO horsepower rating. An increase in horsepower will require new permitting.
- 2) Except as otherwise outlined in Condition 16 below, the only use of the property shall be compression of natural gas and it's transfer underground. There shall be no other industrial uses on the subject property.

- 3) There shall be no abatement of local property taxes in association of this request.
- 4) During normal operating hours, the applicant is responsible for providing the first response to any emergency in relation to the compressor station. The applicant shall prepare, at its own cost, an Emergency Preparedness Plan to be submitted to the County for review and approval prior to implementation of operations.
- 5) During construction activities that produce noise between the hours of 9:00 p. m. and 7:00 a. m. shall not exceed a noise level of 60 dBA (decibels) at the property line.
- 6) Noise attenuation measures will be implemented to ensure that noise levels attributable to normal plant operations will be kept to an L90 reading of 55 dBA (decibels) or less at the property lines with the exception that the front property line (along Route 56, S. James River Hwy) may have a dBA of 60. Also, noise levels attributable to normal plant operations will be less than 55 dBA at any adjacent existing building that is not on the subject property.
- 7) During construction dust shall be controlled with water and calcium chloride.
- 8) Exterior lighting will be directed downward and inward to the extent feasible in order to prevent any glare on adjacent properties. In addition, the facility will be designed to enable exterior lighting for work areas of the station to be switched off while not in use. Any lighting for surveillance will be at minimum foot-candles for visibility and shall be pointed in a down direction.
- 9) Site lighting shall not exceed 5 foot-candles in exterior working areas and 2 foot-candles in parking and non-working areas.
- 10) Light trespass shall be limited to and should not exceed 0.5 foot-candles at the property line. All exterior luminaries shall utilize full cut-off optics.
- 11) All driveways, parking areas, and access roads shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties. Driveways and parking areas will have asphalt surface or better, exception may be applied if not feasible and dust can be controlled otherwise.

- 12) The compression station and accessory facilities shall be centrally located on the property to the greatest extent feasible and shall conform generally to the layout shown on the drawing submitted with the application.
- 13) A natural colored chain link fence or similar security device shall be placed around the facility at least seven (7) feet in height and will feature prominent "No Trespassing" signs.
- 14) There shall only be one (1) permanent detached sign for project identification purposes (exclusive of directional signs) which shall be a ground-mounted monument type sign with landscaping. Any lighting of the sign shall be from above and shielded away from adjacent properties.
- 15) Fencing and all structures shall have a minimum setback of 100 feet from all property lines.
- 16) Existing trees along the northwestern property line and along the front of the property (as noted on the site layout submitted with the application) shall be maintained as a buffer for the life of the station. East of the station access road and east of the existing Transco lines there shall be trees planted and maintained after construction to provide a buffer and block visibility from the highway and adjacent properties.
- 17) Main Buildings and structures above the tree height shall be a neutral earth tone color (example: muted browns, greens, grays).
- 18) Silencers shall be used during blowdowns.
- 19) The Virginia Department of Transportation shall approve access to the proposed facility and the applicant will provide all required improvements.
- 20) A traffic management plan shall be submitted as part of the overall site development plan. Review and approval by VDOT of the traffic management plan will ensure that temporary construction entrances and access roads are provided appropriately; that "wide load" deliveries are scheduled during off-peak times, and that access routes to and from the site are planned to minimize conflicts.
- 21) All necessary permits shall be acquired from all applicable regulatory bodies of the state and federal government and copies of such permits shall be provided to the County upon request. The applicant shall maintain periodic reports as required by permits and these reports shall be

provided to the County upon request.

- 22) This facility shall utilize Best Available Control Technology (BACT) in accordance with the most current DEQ air permit; to include but not be limited to Selective Catalytic Reduction (SCR) for the reduction of Nitrogen Oxides (NOx) emissions and Oxidation Catalyst (OC) for the reduction of Carbon Monoxide (CO) and Volatile Organic Compounds (VOCs) emissions.
- 23) Prior to site plan approval, the applicant must demonstrate that all wetland requirements, if any, have been achieved to the satisfaction of the U. S. Army Corps of Engineers.
- 24) At such time as the facility shall not be used for gas compression, the applicant or its assignee shall remove all personal property, fixtures, buildings and other structures, and leave the site in a reasonably comparable condition to that which existed prior to construction of the facility; provided that the applicant or its assignee at its option may, except for any underground fuel storage tanks, abandon any below ground utility infrastructure facilities, foundations and pavings in place.
- 25) The applicant shall operate in accordance with all permits, laws, rules and regulations of Federal, State and local law, including this special use permit.
- 26) If violation of the any state or federal permit are reported to the local government by the applicable regulatory agency, the Board of Supervisors, and/or the County Administrator, may request the applicant to provide, at the applicant's sole expense, the services of an appropriate firm to review the nature of the violation, if any, and the remedy, if any. This firm shall be selected by and report solely to the county.
- 27) That any infraction of this permit's conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Planning Commission or Board of Supervisors.
- 28) Upon start-up a report will be prepared and provided to the County showing operational factors associated with the compressor station that includes the name(s) and contact information for on-site supervisors, and verification of current, valid state and federal licenses and permits. The County will be promptly notified of any changes, normally within five business days.
- 29) Any complaints or inquiries by the Board of Supervisors, County

Administrator, or Zoning Administrator will be responded to promptly. In the event the applicant is notified of any violation of applicable federal, state, or local laws, regulations, or permit conditions, the applicant shall notify the Zoning Administrator in writing within two business days of receiving such notice and within 10 days fully inform the Zoning Administrator of the current steps being taken to correct and/or remediate the violation. Authorized county personnel or their authorized agents will be permitted to inspect the facility without prior notice to ensure that all physical structures and plant operations comply with local regulations.

- 30) Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
- 31) The applicant shall certify to the County annually that it is in compliance with all conditions of this special use permit.
- 32) In the event that any one or more of the conditions is declared void for any reason whatever. Such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose the provisions of this are hereby declared to be severable.

It was also discussed to add a condition requiring that construction of the compressor station only occur from dusk till dawn. However, this did not come to a consensus to be added to the proposed conditions.

Would the Commission please hold the advertised public hearing and proceed with discussion?

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: 16-SUP236
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 7/6/2016

Special Use Permit Request: _____

Purpose of Special Use Permit: Natural Gas Compressor Station and associated appurtenances

Zoning District: A-1 Number of Acres: 68.49

Tax Map Section _____ Parcel 91-60 Lot _____ Subdivision _____

Street Address: S. James River Highway 24599
Directions from the County Administration Building to the Proposed Site: _____

West on Rt. 60 approx. 2 miles; right on VA-56 W, approx. 5 miles on the right (at the pipeline easement)

Name of Applicant: Atlantic Coast Pipeline, LLC, contact: Scott Summers

Mailing Address:
925 White Oaks Boulevard, Bridgeport, WV 26330

Daytime Phone: 681-842-3454 Cell Phone: 304-677-6054

Email: scott.r.summers@dom.com Fax: _____

Name of Property Owner: Atlantic Coast Pipeline, LLC

Mailing Address:
120 S. Tredegar St., Richmond, VA 23219

Daytime Phone: _____ Cell Phone: _____

Email: _____ Fax: _____

Signature of Owner: *Carissa A. McCoy* Date: 7/6/2016

Signature of Applicant: *Kurt A. Pennock* Date: 7/6/16
ENGINEER:

Please indicate to whom correspondence should be sent:
 Owner of Property Contractor Purchaser / Lessee Authorized Agent Engineer

For full application

Refer to Planning Commission Packet dated
August 22, 2016

September 1, 2016

The attached adjoining landowners letter was mailed by certified mail by prepaid postage to the following list of landowners on September 1, 2016 to let them know about the public hearing to be held by the Planning Commission on September 26, 2016

Ben Morris, Jr.
4624 Paschall Ave
Philadelphia, PA 19143

T.H. Dolan, Est.
c/o Sue B. Wray
2731 Lofton Rd.
Roanoke, VA 24015

CWRB Associates, LLC
8812 Jericho City Dr.
Landover, MD 20785

Royal P Haskins Estate
c/o Charlene Scruggs
1628 S. Coolwell Rd.
Madison Heights, VA 24572

Plum Creek Timberlands, LP
c/o Weyerhaeuser Company
P.O. Box 89
Fairfield, ME 04937

Burnell S. Laury
40 Valley Way
West Orange, NJ 07052

William H. & Mary Rose
5737 S. James River Hwy
Buckingham, VA 23921

Jerome & Merniece Mayo
c/o Ella Mae Rose
5737 S. James River Hwy
Buckingham, VA 23921

I Leben Cobb do certify that the above information is correct. Date 9/1/16

Notary Public
Commonwealth of Virginia

County of Buckingham

State of Virginia

Subscribed and sworn to me on 1 day of September of the year 2016

My Commission expires on 9/30/2019

Notary Public Signature
Stamp: 7509380

Mylah





REBECCA S. COBB
Zoning Administrator/Planner

Buckingham County
Planning Commission
Office of the County Administrator
13360 W. James Anderson Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
Telephone 434-969-4242
Fax 434-969-1638

John E. Bickford
Chairman
District 1 Commissioner

Royce E. Charlton, III
District 2 Commissioner

R. Patrick Bowe
District 3 Commissioner

James D. Crews, Sr.
District 4 Commissioner

Sammy Smith
District 5 Commissioner

Chet Maxey
District 6 Commissioner

Alice Gormus
Vice-Chairman
District 7 Commissioner

DANNY R. ALLEN
Board Representative
District 7 Supervisor

Certified Mail

Ben Morris, Jr.
4624 Paschall Ave
Philadelphia, PA 19143

September 1, 2016

To Whom It May Concern:

The purpose of this letter is to make you aware that the Buckingham County Planning Commission is holding a public hearing for case number 16-SUP236. This is a Special Use Permit request to operate a natural gas compression station. The applicant and owner is Atlantic Coast Pipeline, LLC. This request is for tax parcel 91-60 on S. James River Hwy. You are being contacted because your property is located adjacent to the parcel on which the permit is requested.

Detailed information is available for your review in the Zoning Administrator's office in the Buckingham County Administration Office Building. The public hearing will be held at a regularly scheduled Planning Commission Meeting on September 26, 2016 (Monday). The meeting begins at 7:00 P.M. and will be held in the Buckingham County Administration Building Board Room. The public hearing process includes a public comment time where you may speak in favor or against this matter. If you have any questions regarding this case please call or come to the Zoning Office located in the County Administration Building.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca S. Cobb'.

Rebecca S. Cobb
Zoning Administrator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 WRB Associates, LLC
 812 Jericho City Dr.
 andover, MD 20785

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 CRAIG N. WARD

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2565

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 T.H. Dolan, Est.
 c/o Sue B. Wray
 2731 Lofton Rd.
 Roanoke, VA 24015



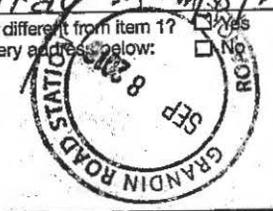
2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2558

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 SUE B. WRAY 9/18/14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

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1. Article Addressed to:
 Royal P Haskins Estate
 c/o Charlene Scruggs
 1628 S. Coolwell Rd.
 Madison Heights, VA 24572

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 CHARLENE SCRUGGS 9-4-10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2572

PS Form 3811, April 2015 PSN 7530-02-000-9053

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Plum Creek Timberlands, LP
 c/o Weyerhaeuser Company
 P.O. Box 89
 Fairfield, ME 04937



2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2589

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 RIKKI L CRAWFORD 9/7/16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

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 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 William M. Moss
 7925 Bell Rd.
 Dillwyn, VA 23936

2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2619

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *W.M. Moss* Agent Addressee

B. Received by (Printed Name)
 Wm. M. Moss

C. Date of Delivery
 9-10-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

■ Complete Items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Ben Morris, Jr.
 4624 Paschall Ave
 Philadelphia, PA 19143

2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2541

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Ben Morris* Agent Addressee

B. Received by (Printed Name)
 Ben Morris

C. Date of Delivery
 9-6-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

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 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Burnell S. Laury
 40 Valley Way
 West Orange, NJ 07052

2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2596

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *B.S. Laury* Agent Addressee

B. Received by (Printed Name)
 Burnell Laury

C. Date of Delivery
 9/7/16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

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■ Complete Items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Jerome & Merniece Mayo
 c/o Ella Mae Rose
 5737 S. James River Hwy
 Buckingham, VA 23921

2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2534

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *William H. Rose* Agent Addressee

B. Received by (Printed Name)
 William H. Rose

C. Date of Delivery
 9-6-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:
 William H. & Mary Rose
 5737 S. James River Hwy
 Buckingham, VA 23921

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *W.H. Rose* Agent Addressee

B. Received by (Printed Name) *William H Rose* C. Date of Delivery *9-6-16*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:



9590 9403 0654 5183 5525 46

2. Article Number (Transfer from service label)
 7014 2120 0001 0370 2602

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

A second round of music featured Richmond-based Suit & Tie, which got the growing audience grooving to a mix of classic and modern R&B with a jazzy tint.

Everything appeared to go smoothly, with a large number of Farmville Police Department

Finally, a little after 8:30 p.m., it was time. The audience loudly counted down from 10, cueing the 20-minute fireworks show to start.

Afterward, Suit & Tie returned to the stage to sing a few more numbers as folks headed back to their cars to drive home.

Buckingham County Planning Commission

NOTICE OF PUBLIC HEARING

Monday, September 26, 2016

**Buckingham County Administration Building
13380 W. James Anderson Hwy
Buckingham, Virginia**

The Buckingham County Planning Commission will hold a public hearing on Monday, September 26, 2016 to hear public input regarding the following request. The meeting will begin at 7:00 PM in the County Administration Building Board Room.

Case 16-SUP236 - Applicant/Owner: Atlantic Coast Pipeline, LLC Property Information: Tax Map Section 91 Lot 60 containing approximately 68 acres. Location: S. James River Hwy (Rt. 56), in the James River Magisterial District. The property is currently zoned Agriculture (A-1). Request: Approve a Special Use Permit for a Natural Gas Compressor Station.

The full application and request is available for review in the Office of the Buckingham County Administrator, 13380 West James Anderson Highway, P.O. Box 252, Buckingham, Virginia, 23921, on regular business days of Monday through Friday from 8:30 A.M. to 4:30 P.M. or by calling 434-969-4242.

Special accommodation will be provided upon five days notice to the Office of the County Administrator at 434-969-4242.

By Order of the Buckingham County Planning Commission
Rebecca S. Cobb, Zoning/Planning Administrator

Sept. 7, 2016

et. He is 7 years old, 20 lbs., likes other dogs and the outdoors.

I CORRECTIONS I

"Land taxes, values vary widely," published Sept. The story referenced Prince Edward County's real estate tax rate. The rate on real estate is 51 cents per 100 of assessed value. Also, counties having fewer than 50,000 people may elect to hold reassessments of real estate at either five- or six-year intervals.

Buckingham County Planning Commission

NOTICE OF PUBLIC HEARING

Monday, September 26, 2016

**Buckingham County Administration Building
13380 W. James Anderson Hwy
Buckingham, Virginia**

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Special accommodation will be provided upon five days notice to the Office of the County Administrator at 434-969-4242.

By Order of the Buckingham County Planning Commission
Rebecca S. Cobb, Zoning/Planning Administrator

Sept. 16, 2016

**A thought
for your lo**

We all plan and
family's future. But
may have not consid
final arrangements
your loved ones. N
burden of making
time, it provides p
your wishes will be h

Shorter Fu

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Rebecca Cobb

From: Evan Johns <ejohns@appalmad.org>
Sent: Monday, September 19, 2016 2:07 PM
To: Rebecca Cobb
Subject: Written Comments on Compressor Station SUP
Attachments: ACP Compressor SUP Comments.pdf

Good Afternoon, Mrs. Cobb,

Please see attached the written comments of the Virginia Chapter of the Sierra Club, the Chesapeake Climate Action Network, Friends of Buckingham, and Yogaville Environmental Solutions regarding Case No. 16-SUP236. If possible, we would like these comments to be included in the packets prepared in preparation for the Planning Commission's upcoming hearing on the case.

Please don't hesitate to contact me if you have any questions. Thank you again for your help.

- Evan

--

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September 19, 2016

VIA ELECTRONIC AND UNITED STATES MAIL

Mrs. Rebecca S. Cobb
Zoning and Planning Administrator
County of Buckingham, Virginia
13360 West James Anderson Highway
Buckingham, Virginia 23921
rcobb@buckinghamcounty.virginia.gov

Re: Atlantic Coast Pipeline, Case No. 16-SUP236

Please accept these written comments of the Virginia Chapter of the Sierra Club, the Chesapeake Climate Action Network, Friends of Buckingham, and Yogaville Environmental Solutions regarding the July 6, 2016 Application for a Special Use Permit (the "Permit Application") submitted by Atlantic Coast Pipeline, LLC (the "Pipeline"), requesting authorization to construct a natural gas compressor station and associated appurtenances (the "Compressor Station" or the "Station") in Buckingham County's A-1 Agricultural District.

We provide these comments on behalf of our members in Buckingham County and throughout Virginia. While some of those members will surely address the very personal impacts associated with the proposal at hand, we write to alert the Planning Commission and the Board of Supervisors of three significant legal issues related to the Permit Application:

- ☞ *First*, the Commission and Board must know that the proposed compressor station is legally ineligible for a special use permit in District A-1. Despite the fact that the proposed Station is clearly a "gas transmission facility"—a use permitted only in a heavy industrial district (and even then, only by special use permit)—the Pipeline attempts to shoehorn the project as a "public utility booster or relay station." But the Pipeline is not a "public utility" according to common usage, the common law, or the Virginia Code. In fact, when read in the context of the entire ordinance, it becomes clear that the term "public utility" describes the sort of consumer-oriented infrastructure consistent with (and indeed necessary for) the realization of District A-1's purpose: "preserving and promoting rural land uses." Issuing the special use permit, then, would constitute a clear violation of Virginia law.
- ☞ *Second*, the Pipeline's application is materially incomplete. Rather than providing the requisite "in depth" and "detailed" discussion of the proposed Station's relationship with the County's Comprehensive Plan, the application's written narrative gives only passing reference to the policies and objectives embodied in the Plan. This makes it impossible for

the Commission or the Board to assess the proposed Station's relationship with the Plan. This omission is particularly important given that the Virginia Code requires purported "public utility facilities" be assessed for consistency with the Plan.

- ca *Third*, we encourage all members of the Planning Commission and the Board of Supervisors to review their obligations under Virginia's State and Local Government Conflict of Interests Act (the COIA). The Pipeline's leading owner is Richmond-based Dominion Resources, whose many subsidiaries include the Virginia Electric and Power Company (also known as Dominion Virginia Power), Dominion Transmission, and Dominion Generation. Dominion and its affiliates are significant employers in the Commonwealth. Therefore, it is important that all County officials and employees make appropriate disclosures, recusals, or advisory opinion requests so as to avoid the civil and criminal penalties provided for under the COIA.

Each of these issues is discussed in turn below.

I. THE PROPOSED COMPRESSOR STATION IS LEGALLY INELIGIBLE FOR A SPECIAL USE PERMIT IN ZONE A-1.

A. THE COMPRESSOR STATION IS NOT AMONG THE "SPECIAL USES" ENUMERATED IN THE ZONING ORDINANCE.

The Pipeline seeks a special use permit to construct a natural gas compressor station in the County's Agricultural District (A-1). District A-1, however, is what's known as a "permissive" district: only those uses specifically named in the applicable portion of the Ordinance are permitted.¹ This means that the Pipeline bears the burden of "show[ing] that the use [it] proposes is one that is included or permitted" by the Ordinance.² In other words, the Pipeline must demonstrate that the Station falls within one of the District A-1 "special uses" enumerated in the Zoning Ordinance before the Commission can issue the requested permit.³

It's curious, then, that the Permit Application altogether fails to identify the "special use" the Pipeline believes applicable to the Station.⁴ The Pipeline has, however, elsewhere suggested the Station should be considered a "public utility booster station" because "[c]ompressor stations compress natural gas, increasing the pressure (or boosting) and providing the energy needed to move the gas through the pipeline."⁵ Importantly, however, the Zoning Ordinance permits only

1 *See Board of Supervisors of Fairfax County v. Board of Zoning Appeals of Fairfax County*, 271 Va. 336, 349, 626 S.E.2d 374, 382 (Va. 2006).

2 *Id.*

3 *Id.*

4 *See* Permit Application at 3.

5 *See* Atlantic Coast Pipeline, "Buckingham Compressor Station," presentation to the Buckingham County Planning Commission, 6 (August 22, 2016).

“public utility booster or relay stations,”⁶ and, as discussed below, this category does not extend to the Compressor Station.

1. The Pipeline is not a “public utility” according to common usage, the common law, or the Virginia Code.

Only “public utility booster or relay stations” are allowed by permit in District A-1.⁷ At risk of stating the obvious, this use category is available only to applicants who are in fact “public utilities.”⁸ Thus, to qualify for a special use permit, the Pipeline has the burden of demonstrating that it is a public utility. As outlined below, the Pipeline cannot meet this burden.

i. Common Usage.

Where a term in an ordinance isn’t explicitly defined, it must be given its “plain and natural meaning.”⁹ Dictionaries can be useful here,¹⁰ and in this respect, the prevailing definition of “public utility” includes the notion of service to the public or to the community at large. For example, MacMillan defines a “public utility” as a “company that provides gas, electricity, or water for people to use.”¹¹ Black’s Law Dictionary similarly defines a public utility according to its “accommodation [to] the public, the members of which are entitled as a matter of right to use the enterprise’s facilities.”¹²

ii. Common Law Definition.

Courts applying these and similar definitions have consistently refused to expand the term to include businesses that serve end-use consumers only indirectly.¹³ Instead, the requirement that a utility provide services to “the public” denotes “a direct transaction between the public utility

6 See Zoning Ordinance at 11 (emphasis added).

7 See Zoning Ordinance at 11 (emphasis added).

8 See *Hernley Family Trust v. Fayette County Zoning Hearing Board*, 722 A.2d 1115, 1117 (Pa. Comm. 1998).

9 *West Lewinsville Heights*, 270 Va. at 265.

10 See, e.g., *Fritts v. Carolinas Cement Co.*, 262 Va. 401, 405, 551 S.E.2d 336, 339 (Va. 2001); *Hoffman Family, LLC v. City of Alexandria*, 272 Va. 274, 284, 634 S.E.2d 722, 728 (Va. 2006).

11 See MacMillan Dictionary, “Public utility” (2016), available at <http://bit.ly/2cxL72K>.

12 *Black’s Law Dictionary* (10th ed. 2014) (emphasis added).

13 See *Hawkeye Land Company v. Iowa Utilities Board*, 847 N.W.2d 199, 215–16 (Iowa 2014) (refusing to “read the word ‘indirectly’ into the definition of public utility”); *Phillips Petroleum Company v. Public Service Commission*, 545 P.2d 1167 (Wyo. 1976) (refusing to “insert to word ‘ultimate’ or ‘ultimately’” into definition of “public utility”).

and . . . ultimate consumers.”¹⁴ This is true even of businesses that provide a service or commodity commonly associated with public utilities¹⁵ or are regulated by a public service commission.¹⁶ While certain regulatory schemes may call for a broader definition of “public utility,” there is consensus that the common usage of the term refers only to entities providing essential services to individual consumers.

Stated otherwise, the term “public utility” refers to companies that engage in retail (as opposed to wholesale) transactions.¹⁷ In fact, the Virginia Supreme Court has stated that not only does the (even broader) term “utilities” in a zoning ordinance refer only to consumer-oriented businesses, but that this meaning is “clear.”¹⁸ It is hardly surprising, then, that other courts have held natural gas compressor stations to be categorically excluded from receiving special use permits reserved for public utility facilities.¹⁹ Because the term “public utility” in the Zoning Ordinance does not extend to entities, like the Pipeline, that serve only a small group of wholesale customers,²⁰ the

14 *Id.* at 216 (quoting *Northern Natural Gas Co. v. Iowa Utilities Board*, 679 N.W.2d 629, 634 (Iowa 2004)) (emphasis in original).

15 *See A & B Refuse Disposers, Inc. v. Ravenna Township Board of Trustees*, 496 N.E.2d 432, 425 (Ohio 1992) (“The fact that a private business provides a good or service associated with the usual subject matter of a public utility does not give rise to a presumption that it is devoted to public service.”) (citing *Southern Ohio Power v. Public Utilities Commission*, 143 N.E. 700, Syl. Pt. 1 (Ohio 1924)); *Coastal States Gas Transmission Co. v. Alabama Public Service Commission*, 524 So.2d 357, 364 (Ala. 1988) (“The mere fact that a product which is usually dispensed by or sold by a utility to the public is being furnished does not make every person, firm, or corporation selling such product a public utility.”) (quoting *Wilhite v. Public Service Commission*, 149 S.E.2d 273, Syl. Pt. 4 (W. Va. 1966)).

16 *See A & B Refuse*, 596 N.E.2d at 427 (“[T]he fact that a business is regulated by a governmental body, including a public utilities commission, is not dispositive of the question of whether that business is a ‘public utility’”); *City of Lubbock v. Phillips Petroleum Company*, 41 S.W.3d 149, 159 (Tex. App. 2000) (same with respect to pipelines).

17 *See generally Phillips Petroleum*, 545 P.2d 1167; *Wilhite v. Public Service Commission*, 149 S.E.2d 273, Syl. Pt. 5 (W. Va. 1966) (“The mere transportation of its own gas by a company does make it a public utility”). *See also, generally, Hawkeye Land Co.*, 847 N.W.2d 199, 213–19 (holding company that merely transmits electricity from power plants to public utilities serving retail customers was not itself a “public utility” because it did not “furnish electricity to the public”).

18 *See WANV, Inc. v. Houff*, 219 Va. 57, 60–61, 244 S.E.2d 760, 762 (Va. 1978).

19 *See generally Hernley Family Trust*, 722 A.2d 1115.

20 It’s notable that the Written Narrative appended to the Pipeline’s Permit Application uses the term “utility” in precisely this sense. In a section labeled “Utilities,” the Pipeline states: “The site is currently not served by county water or sewer. The facility will generate low utility demand; it is anticipated that well and septic will be used for the site water and sanitary sewer needs.” *See* Permit Application Written Narrative at 3.

Commission must similarly reject the Pipeline's proposal and recommend the Board deny the Permit Application.

iii. Statutory Definition

Courts interpreting the term "public utility" in a zoning ordinance have also looked to relevant statutory definitions.²¹ Here, a review of relevant provisions of the Virginia Code dispels any lingering doubts over the Pipeline's status as a "public utility."²² Virginia's Utility Facilities Act²³ governs the siting of public utility facilities and directly interfaces with local zoning ordinances.²⁴ In doing so, it explicitly distinguishes between "public utilities" and "non-utility gas service providers."²⁵ In order to qualify as a "natural gas utility," a gas company must "furnish[] natural gas service to the public," be "regulated as to rates and service" by the State Corporation Commission, and be a "public service company."²⁶ The Pipeline fails on all three counts²⁷ and is thus, by definition, a "non-utility gas service."²⁸ Because "non-utility gas service" providers are expressly excluded from the definition of "public utility,"²⁹ the Pipeline's

21 See, e.g., *Cellular Telephone Co. v. Rosenberg*, 82 N.Y.2d 364, 368 n.1 (N.Y. 1993); *Hernley Family Trust v. Fayette County Zoning Hearing Board*, 722 A.2d 1115, 1118 (Pa. Comm. 1998); *Payne v. Taylor*, 178 A.2d 979 (N.Y. App. Div. 1991).

22 Under Virginia law, statutes that interface with each other, use the same terminology, or even share a common subject matter are considered alongside each other and, if possible, harmonized. See *Rasmussen v. Commonwealth*, 31 Va. App. 233, 238, 522 S.E.2d 401, 403 (Va. App. 1999). This practice, sometimes referred to as "reading *in pari materia*," is commonly employed as to zoning ordinances and related statutes. *Wolfe v. Board of Zoning Appeals of Fairfax County*, 260 Va. 7, 20-21, 532 S.E.2d 621, 628 (Va. 2000). See also *Board of Zoning Appeals of City of Norfolk v. Kahhal*, 225 Va. 476, 480-81, 499 S.E.2d 519, 522 (Va. 1998).

23 Virginia Code §§ 56.265.1-56.265.9.

24 Because it employs the same terminology, relates to the siting of similar facilities, and directly interfaces with local zoning ordinances, the Utility Facilities Act is the most appropriate statute to read *in pari materia* with the zoning ordinance. See Footnote 22, above. However, other related provisions of the Virginia Code point to the same result. See Footnote 30, below.

25 See Virginia Code § 56-265.1(b).

26 See Virginia Code § 56-265.4:6(A).

27 Notably, the Pipeline cannot be considered a "public service company" because it is not incorporated in the Commonwealth, a constitutional requirement under Article IX, Section 5 of the Constitution of Virginia. See *Colonial Pipeline Co. v. Commonwealth*, 206 Va. 517, 519, 145 S.E.2d 227, 229 (Va. 1965); *Johnson v. Colonial Pipeline Company*, 830 F. Supp. 309, 313 (E.D. Va. 1993).

28 *Id.*

29 Virginia Code § 56-265.1(b)(11).

attempt to characterize itself as a public utility finds support no more support in Virginia's statutory law than it does in its common law.³⁰

2. Read in the context of the A-1 District, the term "public utility booster station" does not include facilities like the proposed Compressor Station.

Though the dictionary and statutory definitions discussed above are instructive, terms in an ordinance cannot be interpreted in a vacuum.³¹ Instead, the interpretation of an undefined term in an ordinance requires consideration of "the context in which [the term] is used."³² This context includes the specific ordinance provisions related to the host district.³³

Whether a facility qualifies as a permissible "public utility booster station," then, requires consideration of the nature of District A-1 and how this category fits within it.³⁴ When the category "public utility facilities" appears as a permitted use in a particular zoning district, the Virginia Supreme Court has stated in no uncertain terms that this category should be interpreted as referring *only to services that are necessary for the realization of the primary land uses provided for in that district.*³⁵ Thus, for example, an ordinance permitting "public utilities . . . facilities" in a residential zone permits only "those utilities that provide services which are necessary and essential to [that] residential area."³⁶

With this in mind, it's clear that District A-1's "public utility booster station" category refers only to facilities necessary to serve the primary, rural land uses permitted within that District. This could include, for example, a water boosting station to carry water from a reservoir, a voltage regulator to keep the grow lights on in a greenhouse, or even a natural gas boosting station

30 Other provisions of the Virginia Code point to the same result. *See, e.g.*, Virginia Code § 56-610 (defining "natural gas utility" as a "public service company engaged in the business of furnishing natural gas service to the public") (emphasis added); Virginia Code § 56-265.4 (exempting "the transportation of natural gas by pipeline, without providing service to end users," from a public utility's otherwise-entitlement to territorial exclusivity).

31 *See Sansom*, 257 Va. at 594-95; *City of Virginia Beach v. Board of Supervisors of Mecklenburg County*, 246 Va. 233, 236-37, 435 S.E.2d 382, 384 (Va. 1993).

32 *Id.* (quoting *Department of Taxation v. Orange-Madison Cooperative Farm Services*, 220 Va. 655, 658, 261 S.E.2d 532, 533-34 (Va. 1980)).

33 *See County Board of Arlington County v. Bractic*, 237 Va. 221, 224, 377 S.E.2d 368, 369 (Va. 1989).

34 *See Hernley Family Trust*, 722 A.2d at 1117-18; *Mammima v. Zoning Board of Appeals of Town of Cortlandt*, 442 N.Y.S.2d 689, 691-92 (N.Y. App. 1981).

35 *See WANV Inc.*, 219 Va. at 60-61.

36 *Id.* *See also Mammima*, 442 N.Y.S. at 691-92 ("The focus of the Zoning Board's inquiry" in determining zoning ordinance's definition of "public utility" should be the "the nature of the service coupled with the necessity for use of the site in question in providing said services to the community.").

to warm a remote hunting lodge.³⁷ But it cannot include a facility, like the proposed Compressor Station, that does not serve the surrounding land uses and is, in actuality, inconsistent with those uses.³⁸

3. Read as a whole, the Zoning Ordinance classifies the proposed Compressor Station as a “gas transmission facility” rather than a “public utility booster station.”

A permitted use must be considered not only in the context of the host district, but also in the context of the zoning ordinance as a whole.³⁹ As with any comprehensive legislation, all provisions of an ordinance “should be harmonized so that, if practicable, each is given a sensible and intelligent effect.”⁴⁰ This requires looking to the entire ordinance in order to “determine the true intention of each part.”⁴¹

It’s important, then, to consider that one of the uses allowed by special permit in the Heavy Industrial District (M-2) is a “Gas Transmission Facility.”⁴² The term “transmission” has a specific meaning in the natural gas industry, which is generally divided into three sectors: production, transmission, and distribution.⁴³ Just as the term “utility” is (as discussed above) associated with the final stage—that is, delivery of gas to end-use consumers⁴⁴—the term “transmission” refers to the use of “large diameter pipelines, compressor stations, and metering facilities” that connect processing plants and field production with local distribution companies.⁴⁵ The Pipeline has consistently described its overarching project as a “natural gas transmission pipeline system.”⁴⁶ Therefore, not only is the proposed Compressor Station ill-

37 See Zoning Ordinance at 10-11.

38 See Section I.B., below.

39 See *Sansom*, 257 Va. at 595.

40 *Oraee v. Breeding*, 270 Va. 488, 498, 621 S.E.2d 48, 53 (Va. 2005) (quoting *Colchester Towne Condominium Council of Co-Owners v. Wachovia Bank*, 266 Va. 46, 51, 581 S.E.2d 201, 203 (Va. 2003)).

41 *Oraee*, 270 Va. at 498 (quoting *McDaniel v. Commonwealth*, 199 Va. 287, 292, 99 S.E.2d 623, 627 (Va. 1957)).

42 See Zoning Ordinance at 36.

43 See David A. Kirchgessner et al., *Estimate of Methane Emissions from the U.S. Natural Gas Industry*, *6-7 as reprinted in Environmental Protection Agency, AP-42, *Compilation of Air Pollutant Emission Factors* (5th ed. 1997), available at <http://1.usa.gov/1Rr7GWy>.

44 *Id.* at *6.

45 *Id.*

46 See Atlantic Coast Pipeline, Abbreviated Application for a Certificate of Public Convenience and Necessity and Blanket Certificates, FERC Docket No. CP15-554, 6 (September 18,

suited to the category of “public utility booster station,” it fits perfectly into the category of “gas transmission facilities”—especially given that a compressor station is the sort of noisy, land-intensive use contemplated by the M-2 District.⁴⁷ In situations such as this, courts consistently hold that the more specific label should govern, and they reject any attempt to shoehorn a use into a more general and unfit category.⁴⁸

Ordinance provisions relating to other districts also support the fact that the term “public utility booster or relay stations” does not extend to the proposed Compressor Station. The County’s Recreational Access District (RA-2), for example, is designed to prohibit “uses and developments of a type that might depreciate or destroy [a] park-like environment” and is thus more restrictive even than District A-1.⁴⁹ The uses that are permitted in District RA-2, however—parks, lodges, churches, and playgrounds, to name a few⁵⁰—are consistent with the district’s purpose. Yet despite being more restrictive than District A-1, District RA-2 also provides for “public utility booster or relay stations” as a special use.⁵¹ To take another example, the Pipeline itself recognizes that its Compressor Station would be inconsistent with the nature and purpose of the Village Center District (VC-1): the Permit Application takes great pains to note that its proposed site lies “well outside of the designated Village Centers.”⁵² Yet District VC-1, too, designates booster stations as a special use.⁵³

The fact that zones as restrictive as RA-2 and VC-1 also allow “booster stations” is proof again that this category was intended only to cover the less-intensive operations necessary to service a

2015), available at <http://bit.ly/1V4vUrQ>; Atlantic Coast Pipeline, Resource Report 1: General Project Description, FERC Docket No. PF15-5, 1-1 (September 18, 2015), available at <http://bit.ly/1PFkvlh>.

- 47 See Zoning Ordinance at 35 (describing District M-2 as accommodating land uses which “may have open storage and service areas” and “a public nuisance potential”).
- 48 See generally, e.g., *Peconic Bay Broadcasting v. Board of Appeals of Town of Southampton*, 99 A.D.2d 773 (N.Y. App. 1984) (upholding trial court’s decision that “the fact that the ordinance specifically refers to communication facilities” precludes an attempt to categorize radio transmission tower as a “public utility structure”); *AWACS, Inc. v. Warwick Township Zoning Hearing Board*, 656 A.2d 608 (Pa. Comm. 1995) (upholding trial court’s decision that cellular telephone tower was more appropriately characterized as a “telephone central office” than a “public utility” under zoning ordinance, thus restricting it to zone reserved for more intensive land uses).
- 49 See Zoning Ordinance at 38.
- 50 *Id.* at 39.
- 51 *Id.*
- 52 See Permit Application Written Narrative at 1.
- 53 See Zoning Ordinance at 46 (designating as a special use “[a]ny use which may be permitted by special use permit in either the Agriculture (A-1) or Business (B-1) Districts”).

district's primary land uses. It was never meant to include large, interstate transmission facilities—a use few would maintain is consistent with maintaining a “park-like environment” or with building “a sense of community identity.”⁵⁴ And unlike actual public utility facilities, the proposed Station's adverse impacts cannot be justified as a “necessary evil” to facilitate primary uses.⁵⁵

4. Other Buckingham County ordinances refute the notion that the proposed Compressor Station is a “public utility booster station.”

As pronouncements by the same governing body, other Buckingham County ordinances can also shed light on the intended scope of the “public utility booster station” category.⁵⁶ In this regard, it is significant that the County's Erosion and Sediment Control Ordinance explicitly distinguishes between “natural gas . . . utility companies” and “interstate . . . natural gas pipelines.”⁵⁷ By recognizing these as distinct categories, the Erosion Ordinance provides further proof that facilities like the proposed Station do not qualify as public utility facilities but rather as “gas transmission facilities.”⁵⁸

Finally, Buckingham County's Utility Tax Ordinance also defines “utility services” so as to exclude the Pipeline. That ordinance expressly defines a “utility service” as including, in relevant part, only those who furnish natural gas service “within the boundaries or partially within the boundaries of Buckingham County, Virginia.”⁵⁹ Because it does not furnish any natural gas services to Buckingham County users, the Pipeline falls beyond this definition as well.

B. THE PROPOSED COMPRESSOR STATION IS INCONSISTENT WITH SURROUNDING LAND USES AND WITH THE COMPREHENSIVE PLAN.

Even assuming the Station could appropriately be characterized a “public utility booster station,” this would not automatically entitle the Pipeline to a special use permit. The very fact

54 Cf. Zoning Ordinance at 38, 45.

55 Cf. *Hernley Family Trust*, 722 A.2d at 1117-18 (ordinance allowing “public service structures by a utility” merely “reflects a legislative judgment that ‘utility service’ is an essential component of land use and development”).

56 See *Goble v. Commonwealth*, 57 Va. App. 137, 147, 698 S.E.2d 931, 936 (Va. App. 2010) (“Because the Code of Virginia is one body of law, other Code sections using the same phraseology may be consulted in determining the meaning of a statute”) (quoting *Marsh v. Commonwealth*, 32 Va. App. 669, 677, 530 S.E.2d 425, 430 (Va. App. 2000)).

57 See Buckingham County Erosion & Sediment Control Ordinance § 10-4(I) (February 11, 2008).

58 See *Campbell v. Commonwealth*, 13 Va. App. 33, 38, 409 S.E.2d 21, 24 (Va. App. 1991) (“When the General Assembly uses different terms in the same act, it is presumed to mean different things.”).

59 See Buckingham County Utility Tax Ordinance § 2(B) (September 11, 2000) (emphasis added).

that “booster station” is listed as a special use reflects a determination that not every “booster station” is an appropriate use in every instance. Indeed, the Zoning Ordinance itself indicates that the special use permit process is necessary to ensure “compatibility between [land] uses.”⁶⁰ And a special use permit cannot be issued unless officials can “insure compliance with standards designed to protect neighboring properties and the public.”⁶¹

There are certainly “public utility booster stations” that are consistent with—and, in fact, necessary for the realization of—the actual or permissible land uses surrounding it. As discussed above, a voltage booster may be necessary to supply electricity to a greenhouse (a use permitted by right in District A-1), and effective use of a reservoir (a special use in District A-1) may require a water booster station. But that is not the case here. The Compressor Station imbues no direct benefit to neighboring land uses, serving only downstream wholesale purchasers. Furthermore, the fact that the Ordinance elsewhere classifies “gas transmission facilities” as a use suited only for a heavy industrial district (and even then, only by special use permit) due to their “public nuisance potential”⁶² further demonstrates the proposed Compressor Station’s absolute unsuitability for District A-1.

But more importantly, the proposed Compressor Station—unlike the hypothetical booster stations discussed above—runs contrary to the purposes of District A-1: “preserving and promoting rural land uses . . . includ[ing] forestall lands, areas significant for the environment[,] streams, parks, and less-intensive farming operations.”⁶³ It is a significant setback to the District’s efforts to “preserv[e] farm and forest lands,” to “reduc[e] soil erosion,” and to “prevent[] water pollution.”⁶⁴ Worst of all, the project fails to “reduc[e] hazards from flood and fire,” and instead actually *increases* the risk of disastrous fires.⁶⁵

60 See Zoning Ordinance at 9.

61 See *Board of Supervisors of Fairfax County v. Southland Corp.*, 224 Va. 514, 521, 297 S.E.2d 718, 721–22 (Va. 1982); *Daniel v. Zoning Appeals Board of Greene County*, 30 Va. Cir. 312 (Va. Cir. 1993).

62 See Zoning Ordinance at 35–36.

63 *Id.* at 9.

64 *Id.*

65 See, e.g., U.S. Pipeline and Hazardous Materials Safety Administration, Corrective Action Order No. 4-2012-1011H (June 12, 2012), available at <http://bit.ly/2cBL4J0> (describing June 2012 fire at Gray County, Texas natural gas compressor station “leaving a crater approximately 30 feet in diameter and burning approximately two acres of an agricultural area including two 500-gallon plastic tanks used to store liquid fertilizer . . . [and] burn[ing] two telephone poles and transformers”); U.S. Pipeline and Hazardous Materials Safety Administration, Failure Investigation Report—Columbia Gas Transmission—Adaline Compressor Station Fire (July 26, 2011), available at <http://bit.ly/2cJRzoY> (reporting on November 2009 explosion and fire at Marshall County, West Virginia compressor station). See also, e.g., Steve Bittner, “Gas explosion, fire forces evacuations,” *Cumberland Times-*

These same concerns are reflected in the County's Comprehensive Plan. The Plan specifically recognizes that so-called "Rural/Agricultural/Forestry" land use categories like District A-1 are necessary to "protect these areas and natural resources to ensure that a rural quality of life is maintained."⁶⁶ More important still, the Plan recognizes that these areas "are located the furthest distance from the County's centralized public services[,] creating public safety concerns about *dangerously long response time for fire[s]*."⁶⁷

More generally, siting the proposed Compressor Station in District A-1 would run contrary to other objectives enumerated in the Comprehensive Plan, including:

- "[m]aintain[ing] the desired rural character of the County;"⁶⁸
- "[e]nsur[ing] that development . . . preserves environmentally sensitive features;"⁶⁹
- "ensur[ing] harmonious integration of commercial/industrial development into the community as a whole;"⁷⁰
- "[e]ncourag[ing] building, site and road designs that enhance the natural landscape and preserve the scenic view;"⁷¹ and
- "encourage[ing] the conservation of significant agricultural lands."⁷²

These provisions of the Comprehensive Plan are especially important given that the Pipeline attempts to classify itself as a public utility. By doing so, it opens its project up to review under Virginia Code § 15.2-2232, which requires all proposed public utility facilities be first reviewed by the Planning Commission in order to ensure they are "substantially in accord with the adopted comprehensive plan."⁷³ As discussed above, of course, the proposed Compressor is not *actually* a "public utility facility." However, to the extent Pipeline maintains that its project fits within the definition of a "public utility booster station," it must address the requirements of Section 15.2-2232 as well.

News (August 7, 2014), available at <http://bit.ly/2cLU2O7>; Erika Mahoney, "Lightning Causes Compressor Explosion," *WBNG* (July 23, 2012), available at <http://bit.ly/2d1s5Tg>; Matt Smith, "Compressor station blows up," *Cleburne Times-Review* (November 18, 2008), available at <http://bit.ly/2cWIhqe>.

66 See Comprehensive Plan at 186.

67 *Id.* at 187 (emphasis added).

68 *Id.* at 198.

69 *Id.* at 198, 216, 230.

70 *Id.* at 203.

71 *Id.* at 216, 230.

72 *Id.* at 217.

73 Virginia Code § 15.2-2232(A).

II. THE PERMIT APPLICATION LACKS A “DETAILED AND “IN DEPTH” DISCUSSION OF THE PROJECT’S RELATIONSHIP WITH THE COMPREHENSIVE PLAN.

A special use permit application must include a written narrative “describ[ing] the relationship of the proposed project to the relevant components of the Comprehensive Plan.”⁷⁴ This narrative should “be very detailed and describe in depth each and every component” of the Comprehensive Plan.⁷⁵ The Pipeline’s Written Narrative, by contrast, includes only a passing reference to the Comprehensive Plan in noting that the proposed site is “located well outside of designated Village Centers and Growth Corridors.”⁷⁶ While it contains some discussion of the topics outlined in the County’s Special Use Permit form, it says not a single word about the sections of the Comprehensive Plan that correspond to those topics. Nor does it discuss the nature or purpose of District A-1 or, more importantly, how the proposed Station fits within that context. This is a far cry from a “detailed and . . . in depth” description of “the relationship of the proposed project to the relevant components of the Comprehensive Plan.”⁷⁷ Given the centrality of the Comprehensive Plan in assessing zoning decisions—especially decisions involving purported “public utilities”⁷⁸—the Pipeline should be sent back to the drawing board for this reason alone.

III. COUNTY OFFICIALS SHOULD REVIEW THEIR OBLIGATIONS UNDER THE STATE AND LOCAL GOVERNMENT CONFLICT OF INTEREST ACT.

The Planning Commission and the Board of Supervisors are set to act on a Permit Application submitted by a member of the Dominion corporate family. Because Dominion and its affiliates are significant employers in the Commonwealth, it is possible that County officials involved in considering this request—or, importantly, their immediate family members—may be Dominion employees. As such, we encourage all County officials involved in considering this request to review their obligations under Virginia law and, if necessary, make appropriate disclosures or recuse themselves from the matter.

Virginia’s State and Local Government Conflict of Interest Act⁷⁹ (the COIA) requires a local government officer or employee to “disqualify himself from participating in [any] transaction [that] has application solely to . . . a business that has [an] affiliated business entity relationship with [a] business in which he has a personal interest.”⁸⁰ The COIA broadly defines

74 See Permit Application at 11.

75 *Id.*

76 See Permit Application Written Narrative at 1.

77 *Cf.* Permit Application at 11.

78 Virginia Code § 15.2-2232(A).

79 Virginia Code §§ 2.2-3100—2.2-3131.

80 Virginia Code § 2.2-3112(A)(1).

“transaction” to include “any matter considered by any governmental or advisory agency . . . on which action is taken or contemplated.”⁸¹

The Planning Commission’s decision on whether to recommend the special use permit is thus a “transaction” under the COIA—as is any subsequent action by the Board of Supervisors. And these “transactions” have application solely to one business: Atlantic Coast Pipeline, LLC. The COIA imputes the Pipeline’s interest in the transaction to all of its “affiliated business entit[ies].”⁸² This includes any companies with “shared management or control,” as determined by considering several factors, including: whether “the same person or substantially the same person owns or manages the two entities,” whether the two entities share “common or commingled funds or assets,” whether they “share the use of the same offices or employees” or “otherwise share activities, resources or personnel on a regular basis,” and whether there is a “close working relationship between the entities.”⁸³

According to filings before the Federal Energy Regulatory Commission (FERC), the Pipeline’s largest owner is Dominion Resources, Inc.⁸⁴ Furthermore, the Pipeline’s facilities will be operated solely by Dominion Transmission, Inc., a wholly owned subsidiary of Dominion Resources.⁸⁵ Dominion Transmission is also responsible for permitting the project and for overseeing construction.⁸⁶ Taken together, this level of shared management, shared use of employees, shared activities, and “close working relationship” qualify the Pipeline and Dominion as “affiliated business entities” under the COIA.⁸⁷ Therefore, any County official or employee with a “personal interest” in Dominion or its many subsidiaries is subject to recusal under the COIA. A “personal interest” includes, most notably, a salary to the County official *or* “a member of his immediate family”⁸⁸ from Dominion or its subsidiaries—as well as an ownership interest that exceeds 3% of a business’s total equity or that may reasonably result in dividends in excess of \$10,000.00 annually.⁸⁹

81 Virginia Code § 2.2-3101 (definition of “Transaction”).

82 Virginia Code § 2.2-3112(A)(1).

83 Virginia Code § 2.2-3101 (definition of “Affiliated business entity relationship”).

84 *See* Atlantic Coast Pipeline, Abbreviated Application for a Certificate of Public Convenience and Necessity and Blanket Certificates, FERC Docket No. CP15-554, 4 (September 18, 2015), available at <http://bit.ly/1V4vUrQ>.

85 *See* Atlantic Coast Pipeline, Amendment to Application for a Certificate of Public Convenience and Necessity and Blanket Certificates, FERC Docket No. CP15-554 at 4 (March 11, 2016), available at <http://bit.ly/21TiRdh>.

86 *Id.*

87 *See* Virginia Code § 2.2-3101 (definition of “Affiliated business entity relationship”).

88 Virginia Code § 2.2-3101 (definition of “Personal interest”) (emphasis added).

89 *Id.*

In sum, any County officials or employees who collect a salary from a company in the Dominion corporate family (including Dominion Resources, Dominion Transmission, and the Virginia Electric and Power Company, doing business as Dominion Virginia Power)⁹⁰—or who have an immediate family member who does—should review their obligations under the COIA. Failure to do so may result in criminal prosecution,⁹¹ forfeiture of salary,⁹² or invalidation of the transaction.⁹³

IV. CONCLUSION

Issuing a special use permit in this circumstance would constitute a clear violation of Virginia law, which holds that the undefined term “public utility” in a zoning ordinance is necessarily limited to retailers who provide essential services to end-users. But even were the Commission and Board to depart from this binding precedent from the Virginia Supreme Court and give the phrase a broader construction, issuing the permit would nonetheless violate the fundamental requirement that a proposed special use be consistent with surrounding land uses and with the governing comprehensive plan. As to this latter requirement, the Commission currently lacks even the minimal information necessary to fulfill its statutory mandate under Virginia Code § 15.2-2232(A) to review the proposal to ensure it is “substantially in accord with the adopted comprehensive plan.”

This is, in short, not even a close case. We respectfully request this Commission make a recommendation that the Board of Supervisors deny it accordingly.

Sincerely,



Evan D. Johns

Isak Howell

APPALACHIAN MOUNTAIN ADVOCATES

415 Seventh Street Northeast

Charlottesville, Virginia 22902

(434) 738 - 1863

ejohns@appalmad.org

90 For a full list of Dominion’s subsidiaries as of February 15, 2016, see Exhibit 21 to Dominion Resource’s 2016 Form 10-K filing with the Securities and Exchange Commission, available at <http://bit.ly/2cLPV4s>. Note, however, that this does not include any “affiliated business entities” under the COIA, as these entities do not, by definition, share a parent-subsidary relationship. See Virginia Code § 2.2-3101 (definition of “Affiliated business entity relationship”).

91 See Virginia Code § 2.2-3120.

92 See Virginia Code § 2.2-3124.

93 See Virginia Code § 2.2-3112(C).

Rebecca Cobb

From: Rebecca Carter
Sent: Thursday, September 15, 2016 4:35 PM
To: Quinn Robinson
Cc: Ernie Reed; Kirk Bowers; Megan Rhyne
Subject: Re: Planning Commission = Request for Consideration

Quinn I am forwarding this to the appropriate department head, Rebecca Cobb, Zoning Administrator. I will say the documents have been available to the public at the very same time as introduced to the Planning Commission . It is not appropriate to release special use permit or zoning applications to the public prior to issuance to the Planning Commissioners. By the date of the public hearing the public will have had at least a month to request the information from the zoning office if they have not been able to retrieve that information through the web site . Thank you for your comments and Rebecca Cobb will provide the Planning Commissioners a copy of your request and comments . Becky

Sent from my iPhone

On Sep 15, 2016, at 4:18 PM, Quinn Robinson <robinson.quinn@gmail.com> wrote:

Rebecca Carter
Buckingham County Administrator
13380 West James Anderson Highway
Buckingham, Virginia 23921

Dear Mrs. Carter,

Please accept the attached letter as a request for consideration to be raised with the Buckingham County Planning Commission.

Thank you.

Quinn Robinson

P. O. Box 888

Dillwyn, VA 23936

<PLANNING COM LETTER SEP 2016 REQUEST FOR POSTPONEMENT.docx>

September 15, 2016

Rebecca Carter
Buckingham County Administrator
13380 West James Anderson Highway
Buckingham, Virginia 23921

Buckingham County Planning Commission – Request for Consideration

Dear Mrs. Carter,

Pursuant to the Buckingham County Planning Commission [BCPC] BY-LAWS as revised January 2016, the following request for consideration is made pertaining to CASE 16-SUP236.

CASE 16-SUP236 was presented to the BCPC on August 22, 2016. It is a lengthy and complicated document that requires a thorough and careful review. The document was not available in printed form for those attending the meeting. Representatives from the county indicated that it was available on the county's website. Several interested citizens were unable to locate it. Given the importance of this issue and the difficulties in access to the documents, I would like to ask that this matter be postponed from consideration until the appropriate documents are readily available to all having an interest to review them.

The matter was placed on the agenda for the meeting of September 26th for a public hearing. To hold a public hearing when the access to the documentation is either unavailable or difficult to locate, compromises the very basis of a public hearing. The document was received by the county in early July but no apparent attempt was made to allow for access to the public. Dominion/ACP established a Community Advisory Group [CAG] to supposedly obtain input from citizens in Buckingham. The CAG is cited in their narrative under SITE SELECTION on an unnumbered page in their request for the SUP. It would seem reasonable that Dominion/ACP would

provide about 300 paper copies of the corrected request if their concern about citizen input is genuine. A corrected copy is essential to assure that the issues are clear to all. The corrected application should include all aspects of the Compressor Station complex, including the cell tower and any other related construction.

Everyone benefits from an open and deliberative process. The very basis of this application poses a fundamental threat to every citizen of this region. To proceed without the basic information makes a mockery of open government and democracy.

Thank you for your attention to this matter. I will deliver a paper copy to your office on Friday, September 16, 2016. The other copies will be sent via E-mail.

Sincerely,

Quinn Robinson
P. O. Box 888
Dillwyn, VA 23936

Copies to: Friends of Buckingham
Sierra Club
Wild Virginia
Friends of Nelson
Virginia Coalition for Open Government
Attorney General, Commonwealth of Virginia

SEP 12 2016

PSR[®] Physicians for Social Responsibility



United States Affiliate of International Physicians for the Prevention of Nuclear War

September 9, 2016

Mrs. Rebecca Cobb
Buckingham County Administration Office
P.O. Box 252
Buckingham, VA 23921

Dear Mrs. Cobb,

As Director for Environment and Health of Physicians for Social Responsibility, I have been asked by residents of Buckingham County to share health-related information that you as a member of the Buckingham County Planning Commission may wish to take into account in considering the pending request for a Special Use zoning permit for the proposed Virginia ACP compressor station.

Physicians for Social Responsibility is a national organization of health professionals working to protect human life from grave threats to health and survival, and was the co-recipient of the Nobel Peace Prize in 1985. One issue of great concern to us is the use of fossil fuels, which are associated with multiple serious threats to health. That includes natural gas, especially natural gas which is extracted using horizontal hydraulic fracturing processes, aka fracking. Natural gas pipelines, compressors and related infrastructure transport some of those health hazards to communities distant from the well sites. No decisions concerning the construction of gas infrastructure should be made without first assessing the dangers this infrastructure imposes on the health and safety of local residents.

A growing body of scientific evidence documents the health effects experienced by people living near natural gas pipeline compressors. People living near compressors in other states, notably Pennsylvania, have reported experiencing a range of symptoms. Some are relatively superficial, such as skin rashes and irritation. Others suggest the involvement of major organ systems. These include gastrointestinal problems such as pain and nausea; respiratory problems encompassing both upper respiratory effects such as congestion, sore throat and nosebleeds, as well as deep-lung effects including difficulty breathing and cough; neurological problems such as headaches, movement disorders, and dizziness; and psychological problems such as anxiety, depression, stress, irritability. More seriously yet, given what we know about the chemicals that leak from compressors, serious long-term consequences are suspected. These will take years to appear because of latency periods, but would include: cardiovascular problems such as heart attack and high blood pressure; respiratory effects such as exacerbation of asthma and COPD; neurological effects such as stroke and cognitive deficits in children; birth defects, and cancer.

Multiple substances associated with natural gas provoke these health effects. I will briefly indicate the health effects associated with exposure to several of these substances, focusing on the exposures most associated with compressor stations. Air samples collected around compressor stations and other pipeline-related infrastructure have been reported to have elevated concentrations of the following:

- **Formaldehyde** is considered a Hazardous Air Pollutant by the EPA; it is a known carcinogen.
- **Nitrogen oxide** decreases oxygen absorption and weakens the strength of the lungs, especially in children and the elderly. It also worsens air pollution by contributing to the formation of ground level ozone and particulate matter, both of which I discuss below.
- **Sulfur dioxide** can cause permanent and irreversible damage to the lungs and is a major contributor to acid rain that damages forests and crops.
- **Benzene** is carcinogenic to humans, linked to leukemia, other cancers, and reproductive and developmental disorders. Most exposure is through inhalation, and according to the World Health Organization, there is no specific threshold level for air exposure (that is, there is no safe level of exposure). Long-term exposure to toluene may affect the nervous system and cause miscarriages and birth defects.
- **VOCs (volatile organic compounds)** contribute to the formation of ground-level ozone. Ground-level ozone is a widely occurring air pollutant that can damage lungs permanently. Exposure to ozone can trigger asthma attacks (and children today already suffer from historically high levels of asthma), and aggravate other chronic lung diseases and pre-existing heart diseases like angina.

At compressor stations, fine **particulate matter** (PM2.5) may pose the greatest threat to the health of nearby residents. Particulate matter (PM) is a category of pollutant defined by particle size, not chemical identity. These tiny particles absorb airborne chemicals and carry them into the lungs, where they can cross the blood barrier and be carried throughout the body in the bloodstream. The size of particles determines the depth of inhalation into the lung; the smaller the particles, the more readily they reach the deep lung. Larger-sized particles are trapped in the nose and moist upper respiratory tract, thereby preventing or minimizing their absorption into the blood stream. The smaller PM2.5 particle, however, is more readily brought into the deep lung with airborne chemicals and from there into the blood stream.

Exposure to particulate matter causes well-documented health effects. Inhalation of PM2.5 can cause decreased lung function, aggravate asthma symptoms, cause nonfatal heart attacks and high blood pressure. Long-term repeated exposures increases the risk of cardiovascular disease and death. Childhood exposure to particulate matter has been associated with respiratory symptoms: decreased lung function, exacerbation of asthma, and development of chronic bronchitis. Higher rates of preterm births, low birth weight, and infant mortality are found to be higher in communities with high particulate levels. Exposure to particulate matter is also associated with increased school absences, emergency room visits and hospital admissions.

As we consider these health effects, it bears mentioning that children are especially vulnerable to these airborne pollutants. That's because children's lungs are developing and growing, and thus subject to permanent damage; children breathe at a higher rate than adults, and many children spend more time outdoors, often being very physically active.

I would like to flag one substance that is not solely airborne. The gas which flows through the pipeline likely carries radioactive radon with it. Some shale plays – notably the Marcellus shale – naturally contain radon as well as other radioactive elements. Radon, a gas, enters the body primarily through inhalation. It is the leading cause of lung cancer among non-smokers and the second leading cause among smokers; 21,000 lung cancer deaths per year on a nationwide basis are attributed to radon exposure, according to the EPA. Radon has a short half-life (3.8 days), but as it decays within the pipelines, it generates its own radioactive decay products, namely polonium and lead. These elements have longer half-lives -- 22.6 years and 138 days, respectively. Thus, both polonium and lead have been found to accumulate along the interior of the pipes; they can also be found in pipeline scrapings, as well as in the sludge that

accumulates in tank bottoms, gas/oil separators, dehydration vessels, and compressor facilities. There is a concern that the gas transiting the pipes and being compressed in compressor stations will have radioactivity levels which could potentially put workers and residents at risk.

Methane itself also leaks from natural gas pipelines and compressors. Methane is a heat-trapping gas that contributes to climate change. It is far more potent than CO₂ -- 86 times more potent, over a 20-year period -- which is exactly the timeframe during which we need to slash greenhouse gas levels in the atmosphere. Leaks of methane make it hard to keep world temperatures within a manageable range. Increases in world temperatures put health at risk in a variety of ways: heat effects, including potentially fatal heat stroke; extreme storms and storm surges that can cause accidents, flooding, mold, water contamination, and the spread of waterborne disease; wildfires, which engender immediate threats and increase levels of particulate matter; the spread of disease-carrying insects and other vectors into new ranges, exposing new populations to diseases like Lyme disease and Zika; and increases in allergens and air pollutants like ozone.

Accidents are another category of health threat associated with natural gas pipelines. Gas pipeline spills, fires and explosions occur with alarming frequency in the U.S., leaving people injured or dead, damaging homes and businesses, overwhelming first responders, and traumatizing communities. Shallow or exposed gas pipelines become easy accident victims due to plowing, construction, or weather-related accidents, leading to explosions and fire. Where pipelines run near or beneath streams and other water bodies, they are subject to damage from storm flows and other accidents. There aren't enough workers to inspect the vast network of pipelines in the US. In fact, only 7% of all natural gas lines are subject to rigorous inspection criteria or are inspected regularly. Fires and explosions have occurred at compressor stations, including an explosion along the Transco pipeline in 2008 near Appomattox, Va. The possibility of fire or other accidents raises a number of concerns: Will nearby localities have the resources available to contain a gas fire or explosion? Will first responders and hospitals be able to care for injured workers or other victims? Will evacuation be required, and have evacuation plans been developed and tested?

Accidents associated with pipelines and related infrastructure are generally of two types: fugitive emissions and blowdowns. Fugitive emissions are uncontrolled or under-controlled releases. They occur from equipment leaks and evaporative sources and can be a source of more intense exposure. Blowdowns are a complete venting to the atmosphere of the natural gas within a compressor or pipeline. This can be accidental, or it can be scheduled as a part of maintenance, to reduce pressure and empty the system. The first 30 to 60 minutes of the blowdown are the most intense, but the entire blowdown may last up to three hours. It is not possible to know what exactly is emitted in any given natural gas compressor station blowdown as there is very little data available. We do know that it will include whatever is in the pipeline when the blowdown occurs. This would undoubtedly include the constituents of natural gas, like methane and ethane, and various additional constituents would likely be present, including carcinogens and radioactive material. It is worth noting that due to their intensity, blowdowns may emit these substances at much greater concentrations than annual emissions data would suggest. Thus, blowdowns hold the potential for exposing local residents to far greater concentrations of toxic substances than is reflected in estimates of exposures associated with routine operations.

The existence of so many serious threats to health associated with pipelines and compressors requires that any jurisdiction proceed with great caution. This should certainly be the case in Buckingham County, where it is proposed to create the intersection of two 42-inch pipelines and to build an extremely large compressor station. No less an authority than the American Medical Association adopted in 2015 a resolution which "supports legislation that would require a comprehensive Health Impact Assessment regarding the health risks that may be associated with natural gas pipelines." Physicians for Social

Responsibility strongly supports the AMA's position and calls for a complete Health Impact Assessment to be conducted prior to making any decision concerning the construction in Buckingham County of new natural gas pipelines, compressors, or related infrastructure. We also recommend that the process for the requested permit follow the procedures for a Virginia Major Source, rather than a minor source, so as to incorporate a requirement for before-and-after testing. Independent review would also be an important requirement.

I look forward to sharing my testimony with the Planning Commission on September 26. At that time I will submit a written statement, fully footnoted, to assure that you have access to the latest scientific data concerning health impacts of fracked gas compressor stations and pipelines.

Sincerely yours,



Barbara Gottlieb
Director of Environment & Health

Rebecca Cobb

From: L H Barker <barker.lh@gmail.com>
Sent: Monday, August 29, 2016 5:51 PM
To: Rebecca Cobb
Subject: ACP Compressor Station proposal

Mr. Sammy Smith

Supervisor, Buckingham County 5th District

Dear
Supervisor Smith,

This is with regard to upcoming consideration by the Buckingham Planning Commission of the Atlantic Coast Pipeline's compressor station proposal for Buckingham County.

This is to advise that I am NOT in favor to permitting this facility in our county (or anywhere else), and I hope our Board of Supervisors and Planning Commission will take whatever actions are in its power to prevent any such facility in our county.

With all best regards,
Sincerely,

Larry Barker
167 Liberty Lane
Buckingham, Va 23921