

# Blue Ridge Environmental Defense League

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April 1, 2020

Robbie Davis, Chairman  
Nash County Board of Commissioners  
120 W Washington Street, Suite 3072  
Nashville, NC 27856

Dear Chairman Davis and members of the Commission:

I am writing you today on behalf of Blue Ridge Environmental Defense League (BREDL) and its chapter Nash Stop The Pipeline (NSTP) to request that you take action to protect landowners, farmers and all residents of Nash County.

As you may know, on March 20, 2020, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an official notice “helping hazardous material transporters and pipeline operators prepare for the spread of Covid-19 by easing staff training and qualifications requirements.”<sup>1</sup> Specifically, the directive relaxes Operator Qualifications (OQ), Control Room Management (CRM) and random drug testing pursuant to 49 C.F.R. §§ 199. PHMSA Associate Administrator Mayberry’s notice effective March 20<sup>th</sup> states:<sup>2</sup>

This Notice advises operators affected by the National Emergency that PHMSA does not intend to take any enforcement action with regard to OQ and CRM requirements, and will consider exercising its enforcement discretion with regard to Part 199 drug testing requirements.

Further,

For intrastate operators regulated by State authorities, PHMSA will not object to waivers, special permits, stays of enforcement or similar measures granted by State authorities to pipeline operators for noncompliance due to COVID-19 with State regulations equivalent to the Federal regulations.

What this indicates is that the principal oversight agency responsible for safe operation of

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<sup>1</sup> “Virus Leads Pipeline Agency to Ease Job Qualification Rules.” Bloomberg Environment. 23 March 2020. <https://news.bloombergenvironment.com/environment-and-energy/virus-leads-pipeline-agency-to-ease-some-operator-requirements>

<sup>2</sup> Alan K. Mayberry, Associate Administrator for Pipeline Safety, PHMSA, 20 March 2020, Re: Notice of Stay of Enforcement and Notice of Enforcement Discretion to Operators Affected by the Coronavirus (COVID-19) Outbreak <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-03/PHMSA%20Notice%20on%20Enforcement.pdf>

pipelines counters the loss of work hours by reducing training and enforcement. This is a flagrant disregard of public safety sanctioned by a callous exploitation of the genuine public health threat presented by COVID-19. It is unacceptable; it demonstrates additional reasons to oppose pipelines through our communities.

Eight permits to construct the proposed ACP have been vacated or rescinded by the courts, one additional case is before the Supreme Court. The rush to construct was halted in December 2018. The unneeded project is over TWO YEARS behind schedule. Nevertheless, the pipeline companies still press hastily to build the pipeline in spite of the harm it has done and will continue unless prevented.

One of the harms I can report to you is immediate: Over the last few days I have been harassed by Dominion attorneys to allow out-of-state assessors onto my property and even into my home as part of the ongoing eminent domain process. The risk presented by the COVID-19 virus matters little when it suits them. There is no excuse for their behavior.

Chairman Davis, I hereby request that the Nash County Board of Commissioners stand up for its citizens and move from a neutral position and pass a resolution against this harmful and dangerous project.

Respectfully,

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