



July 17, 2020

Secretary Michael S. Regan
Department of Environmental Quality
State of North Carolina

Subject: Federal failure and continuing risks of toxic exposures and gas explosion due to improper pipe storage for the cancelled Atlantic Coast Pipeline

Dear Secretary Regan,

Despite the July 5th cancellation of the Atlantic Coast Pipeline, a problem that was once avoidable continues to be an immediate threat to public health in North Carolina communities for an indefinite period. The problem also risks a potentially catastrophic natural gas explosion if pipes planned for the ACP are sold for use in other projects. We request that you take immediate actions to compensate for the failure of various federal agencies to protect public health and safety in North Carolina, Virginia and West Virginia.

While there are many important issues to be resolved regarding damage from the failed, six- year ACP project, this letter deals with the ongoing degradation of the highly toxic epoxy coating applied to the ACP pipes that are being stored without protection from the sun. Should the ACP pipes be used elsewhere, these risks would be transferred to other communities if not addressed at this time. Also, we understand there are similar coating degradation problems with pipes planned for the MVP, possibly including the Southgate portion that is proposed to extend into central North Carolina.

The attached report was filed by NC WARN with the Federal Energy Regulatory Commission (FERC) on July 2, prior to cancellation of the ACP project by owners Duke Energy and Dominion Energy. Its author is William F. Limpert, a career environmental regulator in Maryland, who has detailed how 80,000 large steel pipes planned for the ACP have been stored improperly for years, leading to significant and continuing degradation of the pipes' all-important anti-corrosion coating.

Despite very similar concerns expressed by Virginia and North Carolina health officials, federal agencies have failed to adequately assess the risks and have refused to help state agencies and the public do so. In addition, FERC has failed to require ACP owners to take corrective actions recommended by the coating's manufacturer and by other experts in order to prevent further damage to the coating. FERC's failure comes despite federal inspections in 2017 indicating that *most of the ACP pipes contained degraded coating*.

Under pressure from Mr. Limpert and others including various state agencies such as the NC Department of Health and Human Services, on June 30th FERC did call on Duke and Dominion to address concerns about coating degradation. However, FERC left the corporations to self-police the issue for the second time. The outcome is therefore likely to be similar to an earlier analysis of pipe coating by the corporations' consultants: a whitewash. Also, with FERC's track record, there is little hope of federal enforcement, and due to project cancellation, we are concerned that FERC might simply drop the issue. The public needs help from North Carolina agencies.

A pipe coating trade association recommends that pipes with this coating should be stored no more than *six months without protection from the sun*. But the ACP pipes stacked at multi-acre storage yards at six sites – including Plymouth, NC and Fuquay Varina, NC – *have been stored in open sunlight for four years*.

The coating contains numerous toxic substances – possibly including silica – and is damaged by sunlight relatively quickly, particularly in open storage yards. The degraded coating becomes powdery and can be easily blown into the air or washed off by rain, threatening surrounding communities and wildlife via inhalation or percolation into drinking water. Even extremely small concentrations in the air are of concern.

In addition to the storage yards, pipes are currently being stored on the ground alongside the ACP route in communities including Northampton County, NC, potentially exposing people and wildlife to toxic substances.

Duke and Dominion have long refused to correct their improper storage of pipes. Now, it is unclear what they plan to do with the acres of pipes stacked in storage yards and those on the ground along the former ACP route.

Gas Explosions are Frequent

Degraded pipe coating increases the risk of pipeline gas explosions. Natural gas is primarily methane, which is highly explosive, and pipeline corrosion is a leading cause of gas explosions. Five catastrophic pipeline explosions have occurred in nearby states in the past two years. On average, *a gas pipeline accident causing death, hospitalization, property damage or pollution occurs every week in the United States*.

Pipe coating that has become degraded or loses flexibility due to excessive sun exposure leaves the pipe prone to damage during handling, installation or earth movement – and subsequent failure. FERC's approved ACP route crosses extreme slopes and includes over 120 miles where many landslides have already occurred. In 2019 the Pipeline and Hazardous Materials Safety Administration (PHMSA) apprised U.S. pipeline operators of a large number of recent incidents where landslides and land movement damaged pipe and resulted in explosions and pollution.

Although the ACP has been cancelled, and North Carolina's portion of the ACP route is not prone to landslides, the chosen route and activities by owners Duke and Dominion are emblematic of multiple corner-cutting practices that rank public wellbeing subordinate to corporate profits and that led to failure of the project.

For most of the ACP route, the zone of incineration for a high-pressure pipeline explosion is 1,100 feet in all directions, and the evacuation zone for most of the ACP is 1.4 miles wide. PHMSA allows reduced safety standards for pipelines in rural areas, and FERC says it does not even know how many people live or work in these areas near the ACP. As you know, pipeline projects such as the ACP and MVP tend to target communities of color and low wealth, putting them at disproportionately greater health and safety risks.

We urge you to commence an investigation by the Department of Environmental Quality and other applicable agencies into the continuing failure by federal agencies to protect public health, safety and the environment from pipeline coating improprieties, and to take actions necessary to compensate for the lack of priority for public wellbeing demonstrated to date. Please consider the recommendations detailed in Mr. Limpert's report, and let me know if I can assist in any way.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jim Warren". The signature is cursive and fluid.

Jim Warren
Executive Director

cc:

Gov. Roy Cooper

DHHS Secretary Mandy Cohen

Rep. G.K. Butterfield

Rep. David Price

Rep. Mark Walker