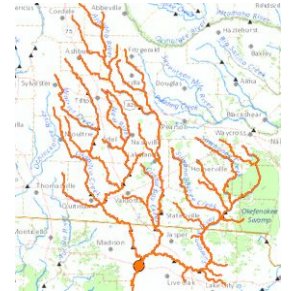


**WWALS Watershed Coalition, Inc.**  
the WATERKEEPER® Alliance Affiliate for the  
upper Suwannee, Withlacoochee, and Alapaha Rivers  
a 501(c)(3) nonprofit charity  
PO Box 88, Hahira, GA 31632  
wwalswatershed@gmail.com  
www.wwals.net



April 24, 2016

To: Lowndes County Board of County Commissioners,

Re: Sabal Trail pipeline

Dear Commissioners,

Thanks to Chairman Bill Slaughter for saying in the Valdosta Daily Times that the Commission signing an easement contract was not an endorsement of the Sabal Trail pipeline.<sup>1</sup> Therefore I ask you to:

1. Invite the U.S. Army Corps of Engineers to investigate on site and on paper the numerous omissions by Sabal Trail of springs and underground water transmissivity in what it told the Federal Energy Regulatory Commission; please see the [letter from WWALS to the Army Corps](#),<sup>2</sup> attached with the letter from WWALS to you of April 12th.
2. Ask our U.S. Congress member Austin Scott (GA-08) to join the four Georgia Congress members who have already asked FERC to fix its processes or deny a permit for Sabal Trail.<sup>3</sup>
3. Join the hundreds of organizations and thousands of individuals who have already asked the U.S. Congress to call in the General Accounting Office (GAO) to review FERC's permitting processes.<sup>4</sup>



Please find appended further information about the issues the Chairman raised in the VDT of eminent domain, in differences in regulation of oil and gas pipelines, and in environmental and safety issues of natural gas pipelines.

Since I wrote to you on April 12th, two more major natural gas pipelines have run into serious problems.

<sup>1</sup> "BOC Chairman: Sabal Trail vote not endorsement", by Michael Praats, Valdosta Daily Times, 20 April 2016, <http://goo.gl/L5IRAq>

<sup>2</sup> "WWALS invites Army Corps of Engineers to inspect and investigate Sabal Trail", 4 April 2016, <http://www.wwals.net/?p=19392>

<sup>3</sup> "PROPOSED SABAL TRAIL RAISES ENVIRONMENTAL JUSTICE, HEALTH CONCERNS CONGRESSMAN BISHOP AND GEORGIA HOUSE DEMOCRATS DEMAND ALTERNATIVES", Office of Congressman Sanford Bishop, 23 October 2015, <http://spectrabusters.org/?p=6637>

<sup>4</sup> "Support a GAO Review of FERC by sending letters to your state's representative!", Delaware Riverkeeper Network, web form, accessed 12 April 2016, <http://goo.gl/yKBz5U>

On April 20th, Kinder Morgan shelved its \$3.3 billion Northeast Direct (NED) pipeline through Massachusetts and New Hampshire, “after failing to sign up enough utility customers and facing stiff consumer and political opposition.”<sup>5</sup>

On April 22nd, Earth Day, the State of New York Department of Environmental Protection denied a water quality permit for Williams Company’s \$1 billion Constitution Pipeline.<sup>6</sup>

Pipelines are not inevitable. You can help stop Sabal Trail. I ask you to do so.

The address for the Savannah District of the Corps is:

To: Commander, U.S.A.C.E.,  
Savannah District  
Attn: Mr. Terry C. Kobs  
1104 N. Westover Boulevard, Unit 9  
Albany, Georgia 31707  
(229) 430-8566  
terry.c.kobs@usace.army.mil

Cc: Georgia Department of Natural Resources  
Environmental Protection Division  
Watershed Protection Branch  
Attn: James A. (Jac) Capp - Branch Chief  
2 Martin Luther King, Jr. Drive  
Atlanta, Georgia 30334  
404-463-4911  
James.Capp@dnr.state.ga.us

Re: Application Number: SAS-2013-00942

Applicant: Sabal Trail Transmission, LLC, Attn Mr. George McLachlan

Thank you for your consideration.

For the rivers and the aquifer,  
[s]  
John S. Quarterman, President

Appended: WWALS blog post of 21 April 2016

WWALS Watershed Coalition advocates for conservation and stewardship  
of the Withlacoochee, Willacoochee, Alapaha, Little, and Upper Suwannee River watersheds  
in south Georgia and north Florida  
through awareness, environmental monitoring, and citizen activities



<sup>5</sup> "Kinder Morgan shelves \$3 billion pipeline project", by Jon Chesto, Boston Globe, April 20, 2016, <https://goo.gl/L5fssp>

<sup>6</sup> "New York Environmental Regulators Deny Permit for Constitution Pipeline: Cuomo administration said pipeline doesn't comply with state's water quality standards", by Erin Ailworth, Wall Street Journal, April 22, 2016, <http://goo.gl/IEwx4p>

## Lowndes County Chairman says accepting easement was not endorsement of Sabal Trail pipeline, WWALS blog, 21 April 2016<sup>7</sup>

So Lowndes County should have no problem asking the U.S. Army Corps of Engineers to come investigate what Sabal Trail didn't tell FERC. And if the county is concerned about legal expenses, maybe it should pay attention to the lawsuits happening right now in California about a natural gas leak that went up into the air, closing schools, evacuating hundreds, and making many of them sick.



The VDT article today doesn't mention writing a letter to the Corps was one of my requests to the county. It does quote the Chairman expressing interest in details of eminent domain, in differences in regulation of oil and gas pipelines, and in environmental and safety issues of natural gas pipelines. Treating his statements as questions, I have provided some further information below on those points.

And he does say the county might have incurred legal expenses if it hadn't accepted Sabal Trail's money for the easement. He doesn't mention how much money Lowndes County spent suing a local company on behalf of a trash collection company financed out of New York City, or how much money the county spent suing a local church about a minor tax matter. It seems when Lowndes County wants to do something, it doesn't worry so much about legal expenses. And maybe the county should worry more about legal expenses if something does go wrong with that pipeline, especially considering what's happening with the Porter Ranch leak in California.

Besides, writing a letter to the Army Corps of Engineers can't really cost much, especially if it just copies the form of the letters already sent by Hamilton and Suwannee Counties, Florida.<sup>8</sup> Or just forward the Corps a copy of plus the letter WWALS sent to the Corps and ask them to come investigate. Does Lowndes County really think Sabal Trail would sue them over writing a letter?

Michael Praats, Valdosta Daily Times, 20 April 2016, [BOC Chairman: Sabal Trail vote not endorsement](#),

*VALDOSTA—The proposed Sabal Trail natural gas pipeline has some residents concerned with property values, environmental impact and a plethora of other issues. John Quarterman, speaking on behalf of the WWALS Watershed Coalition, has requested the county rescind its Sabal Trail agreement and stop the sale of easements to Spectra Energy.*

*Quarterman is leading the charge to prevent pipeline construction and publicly opposed a decision by the Lowndes County Commission to sell the easements.*

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<sup>7</sup> <http://www.wwals.net/?p=19647>

<sup>8</sup> "Suwannee County requests Army Corps of Engineers to inspect Sabal Trail discrepancies," Suwannee BOCC, 6 April 2016, <http://www.wwals.net/?p=19518>

Well, I don't know about that, but given that the Lowndes County Commission only lets county residents or property owners speak, other concerned parties from elsewhere can't, so I do. Here's [video of what I said](#) and the text of the letter I gave them that day (April 12th 2016).<sup>9</sup>

Back to the VDT today:

*"The county was number 60 out of 65 to sell the easement rights to the Sabal Trail Pipeline. We [the county] held out as long as we could," said Board of Commissioners Chairman Bill Slaughter in an exclusive interview.*

If 60 out of 65 of your friends jumped off a tall building, would you jump, too? More on how [following the crowd is not an excuse](#), especially for an elected government.

Back to the VDT story:

*"Citizens are so used to county projects, especially road projects," County Clerk Paige Duke said. "It's the county going out for easements to build roads or repair bridges but because this was a federal project you have the federal government, the state government and local government. The commissioners were just like any land owner in this process. They did not have the authority to approve or disapprove the pipeline."*

Roads and bridges are for local people to use. This pipeline would bring zero benefit to Lowndes County.

If Commissioners are "just like any land owner", why do they put out signs and ask people to vote for them? And the county's land: do the five commissioners plus chairman own it? I thought we the taxpayers owned it, and that's who they are supposed to represent.

They do have the authority not to accept a bad deal for the people of Lowndes County.

*Officials have also said attorney fees would be accrued if the county did not provide the easements. County leaders said the issue boiled down to a matter of eminent domain. If the county decided to go to court over the eminent domain issue, there would have been a large amount of attorney fees and no money would be received from the land sale, county leaders told The Times. The land would have been taken for the pipeline use anyway had the county lost the suit, they suggested.*

I've been through an eminent domain case, and that's not how it worked. You can end up being paid *more*, even after and including attorney fees. Plus in this case, the more landowners, especially elected governments, that hold out, the harder it is for the pipeline to proceed or even to get final approval.

Slaughter expressed interest in different types of pipelines:

*"There is a difference between a petroleum pipeline and natural gas pipeline," Slaughter said. "There is another pipeline in Georgia that has been stopped and that is a petroleum pipeline, not natural gas...."*

Yes, Kinder Morgan suspended its Palmetto petroleum products pipeline across the Georgia coast to Jacksonville the week after the Georgia legislature approved an 18-month moratorium on petroleum

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<sup>9</sup> "Videos: WWALS asks Lowndes County to invite Army Corps of Engineers to investigate Sabal Trail discrepancies @ LCC 2016-04-12", WWALS blog, 12 April 2016, <http://www.wwals.net/?p=19550>

products pipelines, which happened the same day as the same Georgia House voted 34 aye to 128 nay to reject river-drilling easements for Sabal Trail.

*“That’s the reason why the federal energy regulation commission oversees natural gas only.”*

Actually, it’s the other way around. The Georgia House passed that moratorium because regulation of petroleum products pipelines remains mostly with the states. According to an 108-page legal research paper on the topic, the real reasons oil and gas pipelines are regulated differently is historical:

*This Part turns to the production and transportation of natural gas. Unlike interstate oil pipelines, where government regulation remains at the state level, Congress transferred authority over interstate natural gas pipelines to the Federal Power Commission (FERC’s predecessor) in the 1930s. As a result, federal law governs the siting and eminent domain authority for interstate natural gas pipelines. As detailed in the sections that follow, the reasons for this significant shift from state authority to federal authority are found in the history of U.S. natural gas development, use, and transportation, which differs significantly from the history of U.S. oil development, use, and transportation....<sup>10</sup>*

And the states are not devoid of regulation of even interstate natural gas pipelines. Sabal Trail, as required by FERC, asked the state of Georgia for easements to drill under Georgia rivers. In that historic vote, once again 34 aye to 128 nay, the state said: Nay!

Just like the county could have said nay to Sabal Trail about an easement through the hazardous waste site of the closed Lowndes County landfill in an aquifer recharge zone.

*“Natural gas is lighter than air, if you do have a leak that gas will escape into the atmosphere.”*

What about the PCBs and other hazardous chemicals in the pipe with the gas, such as Spectra Energy (the proposed builder of Sabal Trail) was fined \$15 million by the EPA for spilling at 89 sites along one of its pipelines,<sup>11</sup> and another \$18.6 million + \$200 million cleanup for PCBs by Pennsylvania?<sup>12</sup> The same Spectra that every year in its SEC Form 10-K filing says:

*The Toxic Substances Control Act, which requires that polychlorinated biphenyl (PCB) contaminated materials be managed in accordance with a comprehensive regulatory regime. Because of the historical use of lubricating oils containing PCBs, the internal surfaces of some of our pipeline systems are contaminated with PCBs, and liquids and other materials removed from these pipelines must be managed in compliance with such regulations.*

What about DCP Midstream, of which Spectra owns half, and whose natural gas pipeline leaked oil a year ago in Texas?

*The low-pressure pipeline, according to Scott McMeans, supervisor at DCP Midstream, was a natural gas line that leaked due to corrosion causing oil to flow out.*

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<sup>10</sup> "Transporting Oil and Gas: U.S. Infrastructure Challenges", by Alexandra B. Klass University of Minnesota Law School and Danielle Meinhardt University of Minnesota Law School, March 18, 2014, Iowa Law Review, Vol. 100, No. 3, 2015 Minnesota Legal Studies Research Paper No. 14-17, PDF. <http://goo.gl/YrPsgN>

<sup>11</sup> "Pipeline Firm to Pay Record EPA Fine", Los Angeles Times, 21 October 1989, <http://goo.gl/aPxvd>

<sup>12</sup> "Pipeline Firm To Pay \$218.6 Million For Pcb Contamination Across Pa.", by Russell E. Eshleman Jr., Philadelphia Inquirer, 15 May 1991, <http://goo.gl/avZUM4>

McMeans said that sometimes when oil producers have an upset at their tank batteries they can carry oil through the natural gas line, which was the case with the line that leaked Tuesday afternoon.<sup>13</sup>

More in the VDT today:

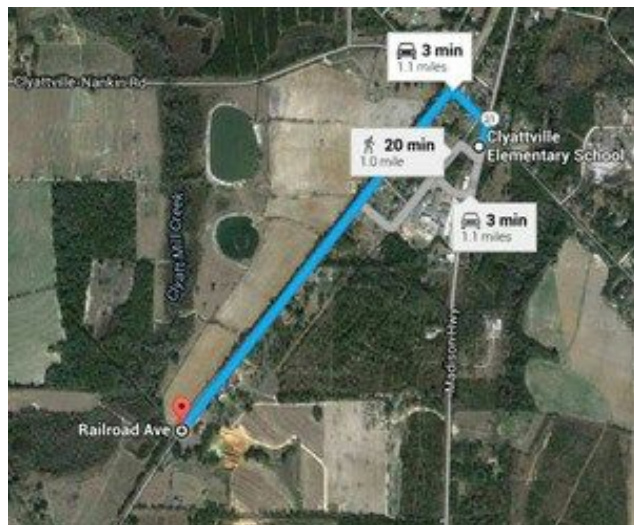
*The chairman noted there will always be a danger if there is a spark along with a gas leak but emphasized that natural gas is safer to transport and said he thinks the impact on the environment would be minimal.*

If a spark had lit that November 2014 pipe break in Berrien County,<sup>14</sup> neighbors I've known all my life might not have homes to go back to, if they were even alive to go back. And that was just a 9-inch pipe. Sabal Trail wants a 36-inch pipe, at higher pressure, so with more than sixteen times as much gas.

Through a hazardous waste closed landfill in an aquifer recharge zone. Barely a mile from Clyattville Elementary School.<sup>15</sup>

Regarding attorney fees, maybe the county would do better to read up on what's going on with a natural gas leak in California.

*Hundreds of residents in Los Angeles have filed claims against governors and state agencies. They seek \$3.5 million each in damages for gas blowout which was blamed on the government. The claims are the first batch of more than 3,000 other claims to be filed.*<sup>16</sup>



That adds up to hundreds of millions or billions of dollars in claims. From a natural gas leak that did just “escape into the atmosphere.” Where it made hundreds or thousands of people sick and caused multiple school closures and the evacuation of apparently the entire community of Porter Ranch.

Is such a risk a good business decision? Is it a fiscally prudent use of county taxpayers' dollars?

The Chairman is last quoted in today's VDT article saying he took the opportunity “to state our positions on behalf of those property owners”. The county has many other such opportunities, such as writing a letter to the Corps.

-jsq

<sup>13</sup> "Crews begin oil spill cleanup in West Odessa", Odessa American, 14 April 2015, <http://goo.gl/M5vukE>

<sup>14</sup> "SONAT pipeline break in Berrien County, GA on offshoot of same line Sabal Trail proposes to parallel", by John S. Quarterman, FERC Accession Number 20141117-5040, 17 November 2014, <http://www.l-a-k-e.org/blog/?p=11438>

<sup>15</sup> "Sabal Trail through Lowndes past Clyattville Elementary School", John S. Quarterman, WWALS blog, 10 November 2016, <http://www.wwals.net/?p=13876>

<sup>16</sup> "California Governor and State Agencies Face Lawsuit in Aliso Canyon Gas Leak", Lawyer Herald, 20 April 2016, <http://goo.gl/PsdKu4>