



# County of Rockbridge

County Administrator

150 South Main Street

Lexington, Virginia 24450

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BUILDING DEPARTMENT  
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DATA PROCESSING  
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(540) 463-2437

SPENCER H. SUTER  
County Administrator  
Office: (540) 463-4361  
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TO: Lee McLaughlin, Chair  
Rockbridge County Planning Commission

FROM: Sam Crickenberger, Director of Community Development 

DATE: May 4, 2020

SUBJECT: Meeting, May 13, 2020, 7:00 pm, Meeting Room

Enclosed is the agenda package for the May 13<sup>th</sup> meeting. Kelly Peters has withdrawn her application to rezone the property off of Valley Pike. We may see it again at a later date with some revisions.

- **Board of Supervisors Report** - At their March 23<sup>rd</sup> meeting the Board approved the rezoning of the Virginia Infrastructure property located off of Flowers Lane from R-1 to I-1 per year code. The Board also approved the subdivision plan for the Fields subdivision at the request of the owner, Nancy I. Die. This is a 1 lot subdivision located off of Bratton Run approved in 2008 but never developed. At their April 27<sup>th</sup> meeting the Board approved an application for the Valley Creek Community Market, a farmer's market to be located on the Hart Farm off of West Midland Trail.
- **Rock Holdings LLC** - has applied for site plan review of their proposed contractor's yard in Raphine on property zoned I-1 per Section 607.02-11 of the Regulations. This will be a log yard for storage of logs and equipment. Under Section 1300.02 there are certain requirements that the Commission waive certain requirements listed under 1300.02 that are not relevant to this type of project. The staff of the Commission Required an additional plan was generated to address a range of project types from major developments like a shopping center with lots of required infrastructure to contractors' yards with limited needs. See highlighted list attached. A recommendation to waive these highlighted requirements and approve the plan contingent on final E&S and stormwater approval would be in order.

SECTIONS REMOVED

→ APPLICATION BEGINS ON PAGE 4 OF THIS DOCUMENT.\*

**Atlantic Coast Pipeline** - ACP has applied for site plan review of their proposed contractor's yard in Goshen. A contractor's yard is a permitted use in I-1 per Section 607.02-11 of the Regulations. A similar plan for a Raphine location was approved last year. The yard is proposed to be located by North Fork Lumber and adjacent to Stella-Jones. VDOT has already evaluated the project location in terms of entrance requirements and turning movements of long trailers. The erosion and sediment control and stormwater plans will be reviewed by DEQ. A flood study was completed by Perkins & Orrison resulting in a Letter of Map Amendment which reduced the extent of the 100 year flood plain along this side of Bratton's Run. The new limits are reflected on this plan. As explained above, a recommendation to waive these highlighted requirements and approve the plan contingent on final E&S and stormwater approval would be in order.

Thank You

\*Alliance removed sections of agenda packet so that only ACP information remains.



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AGENDA

ROCKBRIDGE COUNTY PLANNING COMMISSION

BOARD MEETING ROOM

May 13, 2020

7:00 p.m.

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PLEASE TAKE NOTICE that the May 13, 2020 Planning Commission meeting will be held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board on April 6, 2020, due to the threats posed by the COVID-19 pandemic to the health, safety, and welfare of the public, and in accordance with the recommendations, guidelines and requirements of federal, state and local authorities.

Commission members will be participating remotely. Staff will be presenting as normal in the Board of Supervisors meeting room at 150 S. Main Street, Lexington 24450 and while the room will be open to the public, no more than 10 persons, including staff, will be allowed into the room at one time, as per the Board's COVID19 meeting policy.

Citizens are encouraged not to attend the meeting in person, but have several options to view or participate in the Zoom Meeting Webinar as described below:

- (1) Join the Rockbridge County Planning Commission Zoom webinar  
 When: Wednesday, May 13, 2020 at 7:00pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/97040206248?pwd=cHdHNUozeloxSi8xajZjSmNhUlhBQT09>

or [Click Here to Join](#)

**Password: 210986**

- (2) Or Telephone:  
 Dial in to one of the following numbers  
 US: +1 (301) 715 8592 +1 (312) 626 6799 or 1 (929) 205 6099  
**Webinar ID: 970 4020 6248**  
**Participant ID: 173369**  
**Password: 210986**

If you have never joined a zoom webinar you can find instructions to join at the following link:  
<https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->

You can also view the meeting live on the Rockbridge County Planning Commission Meeting on the YouTube Channel at the following link

[https://www.youtube.com/channel/UCI-1\\_WCVgwwCF3el9\\_IeqA?view\\_as=subscriber](https://www.youtube.com/channel/UCI-1_WCVgwwCF3el9_IeqA?view_as=subscriber)

You will see a video that has “LIVE NOW” in red text by it and prior recorded meetings. Click on the LIVE NOW video to watch and listen to the meeting Live, or view the recorded video another time.

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1. Call to Order
2. Citizen Comments

Citizens Comments can be made by:

1. Email [pc-citizencomment@rockbridgecountyva.gov](mailto:pc-citizencomment@rockbridgecountyva.gov)

2. Comments sent by U.S. Mail must be received by the day of said meeting in order to be read aloud during that meeting.

3. Submit comment in writing and place in the dropbox located at the front entrance of the County Administration Building at 150 S. Main Street Lexington, VA 24450. Include your name and Magisterial District.

4. Join the Zoom webinar by phone or computer using the instructions at the top of page one (1) of this document then using the information below:

- a. you can click on the Q & A box and submit your question there and it will be read during public comment (option for computer with no microphone)
- b. if you have microphone you can click on "Raise Hand" button. The mediator will unmute you and announce that you can address your comment.
- c. If you call in, the mediator will announce the phone number as it is unmuted and the caller can then state if he or she wishes to comment.

3. Minutes (April 8, 2020)
4. Board of Supervisor Report
5. Rock Holdings LLC. --- Site plan review in the General Industrial District (I-1)
6. Atlantic Coast Pipeline --- Site plan review in the General Industrial District (I-1)
7. Adjourn



**COUNTY OF ROCKBRIDGE**  
**APPLICATION FOR ADMINISTRATIVE ACTION**


**ATTACHMENT A**

Land Owner's Name: Carnival Enterprises, LLC

Tax Map Parcel(s): 12-A-31 & 12-1-8

Land Owner's Address: 110 Blue Grass Trail; Lexington, VA 24450

Land Owner's Phone: (work) 540 460 1932 (home) 540 460 1932

Land Owner Signature:  Date: 03/19/2020

Land Owner's Name: North Fork Inc

Tax Map Parcel(s): 12-1-2B & 12-1-7

Land Owner's Address: P.O. Box 146; Goshen, VA 24439

Land Owner's Phone: (work) 540-460-2262 (home) 540-460-2262

Land Owner Signature:  Date: 3-19-2020

March 20, 2020

~~Sam Crickenberger~~  
Office of Community Development Director  
150 S. Main Street  
Lexington, VA 24450

Re: ACP Contractor Yard – Spread 4

Dear Mr. Crickenberger:

Atlantic Coast Pipeline, LLC was authorized by the Federal Energy Regulatory Commission to construct and operate facilities that will comprise the Atlantic Coast Pipeline Project on October 13, 2017. The Atlantic Coast Pipeline Project is an approximately 600-mile pipeline from the northeastern portion of West Virginia to the southeastern portion of North Carolina. Approximately 300 miles of pipeline will be located in Virginia. As part of the construction process of installing large diameter gas pipelines, Contractor Yards are utilized for the purposes of daily parking for personnel, welding of pipe, storing of fuel, providing offices via temporary trailers, and minor material storage. Two of the proposed Contractor Yards are located in Rockbridge County. Consequently, Atlantic Coast Pipeline, LLC commissioned I3 Engineering and Consulting, LLC (I3) to assist with permitting the Contractor Yard located in the Goshen area of Rockbridge County referred to as Contractor Yard – Spread 4 herein.

Contractor Yard – Spread 4 is located within Tax Map Parcels 12-A-31, 12-1-8, and 12-1-2B and within the I-1 General Industrial District zone. A total of approximately 26.9 acres is being leased from the landowners for the duration of the temporary contractor yard. After the proposed operations are complete at Contractor Yard – Spread 4, the property shall be restored back to the original condition and returned to the landowner. If any existing roads are damaged during construction, Atlantic Coast Pipeline, LLC will restore these roads to preconstruction conditions or better.


The Contractor Yard – Spread 4 will primarily be utilized for contractor employee parking, fuel storage, office trailers, minor stored materials, and pipe welding. Construction equipment will be moved from Contractor Yard and delivered to the pipeline construction corridor. Typical construction equipment would include road boring machines, stringing trucks, side-booms, bulldozers, backhoes, and semi-trucks and welding trucks.

Traffic control measures consistent with the Virginia Department of Transportation (VDOT) will be implemented to further minimize impacts to traffic on roadways to assist with transportation of construction equipment and materials and to provide public safety. Contractors will post caution signs on roads, where appropriate, to alert motorists of pipeline construction and warn them of slow traffic caused by construction vehicles entering and exiting the construction yard entrance.

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All land-disturbing activities will conform, at a minimum, to the FERC Plan and Procedures. The construction entrance may require periodic top dressing with additional stone and cleanout of any structures used to trap sediment.

Sincerely,



Chris Knight  
Project Engineer



Molly,

Thank you for sending your letter in a word document. It is helpful to be able to answer questions in order. I discussed with Sam Crickenberger and Chris Slaydon in the Office of Community Development, and Jonathan Griffin, our Erosion and Sediment County Administrator, who assisted in providing answers. To preface the answers below, it is important to note that:

- A contractor's equipment storage yard is a permitted use in an I-1 zone, per Section 607.02-11 and welding or machine shop (in this case pipe welding) is permitted per Section 607.02-3.
- None of the property proposed for use is in Flood Zone A (100-year special flood hazard area), per the attached Letter of Map Amendment (LOMA)

I wanted to share those facts, since some of the questions you pose below are directly relevant. Sorry this is late in coming. Have been extra busy with the COVID-19 issue.

(Also – With exception of number 7, responses below were drafted prior to COVID-19. At this point, on 3/25/20, we are not sure yet if there will be a Planning Commission meeting in April. We will do our best to keep you posted.)

Kind Regards,

Spencer

\*\*\*\*\*

5 March 2020

From: Molly Petty  
207 Cove Lane  
Rockbridge Baths, VA 24473  
mpetty@marybaldwin.edu  
540.885.8758

To: Spencer Suter, Rockbridge County Administrator  
Rockbridge County Administration Building  
150 S. Main St.  
Lexington, VA 24450

Dear Spencer,

On behalf of myself, RACC's Watershed and Land Conservation Committees, Allegheny-Blue Ridge Alliance (ABRA), Environment Committee of 50-Ways Rockbridge, and Augusta Alliance, I am writing to ask for your help in obtaining complete information about the Carnival Enterprises LLC and North Folk Inc. request to the County to approve a Contractor's Equipment Yard at a site within the "A" flood zone (herein "the Project").

I have been twice to speak with county staff about the proposed Dominion pipe laydown and fabrication yard, but remain confused by the differences in some of the responses and unsure of whether I've received complete information. To minimize any confusion or delays, I would appreciate your help in providing the information and written clarification answering the questions below by March 20 to give members of the public time to review and provide comments during the County's review process which we understand is scheduled to begin in early April.



If it would be helpful for a volunteer to come to the County office to copy any of the documents requested, please let me know and I will be glad to do what I can to reduce any extra work for staff.

Information Requested:

1. Has Mr. Harris or any person or entity connected with the project applied for an erosion and sedimentation permit from Rockbridge County? If so, would you please let me know the date and status of this permit application, and provide a copy? **No. Dominion Power is subject to Annual Standards and Specifications that require plan review and permitting be done directly through the DEQ, not individual localities.**
2. Has Dominion Energy or any other entity applied for an erosion and sedimentation permit under the ESC provisions? Does the County have documentation related to this permit? Please provide. **Per the answer to (1) above, the County has not received an E&S permit application.**
3. Since this project is in the Flood Zone, will the County require a special exception under 608.11-2(6)? **Per the Letter of Map Amendment, the project is not in the 100 year special- flood hazard area and a special exception permit is not required.**
4. The Ordinances also state: "In passing upon applications for special exceptions and variances, the Board of Supervisors and the Board of Zoning Appeals, respectively, shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance..." (608.13). Have the Board of Supervisors and BZA been made aware of the need for this special exception permit? If so, please provide the date and a copy(ies) of the notification(s). **The proposed use is a permitted use the General Industrial Zoning District (I-1) and a special exception permit is not required.**
5. Does the County have any engineering studies, drawings, surveys, or information related to the special exception required in 608.11-2(6)? When in the process and who will make the determinations whether or not site materials and equipment are "buoyant, flammable or explosive"; "subject to major damage by flooding"; "firmly anchored to prevent flotation or movement"; or "can be readily removed from the area within the time available after flood warning"? **The proposed area is not in the 100-year special flood hazard area.**
6. Does the County have information related to the required hydrologic and hydraulic analysis, studies, analysis, computations, etc. [608.06-1(3) & 608.14-1], and the name and contact information of the professional engineer who will certify that the studies that are performed reflect best practices and are independently produced? If so, or when the information is received, please advise how they will be made available to the public. **Same as above (Proposed area is not in the 100-year special flood hazard area).**
7. When does the County anticipate receiving a Major Site Plan? How will that packet be made available to the public? **We expect to receive a site plan by mid-March to be on the Planning Commission agenda for April 8 (this of course depending on whether or not public meetings can still be held at that time). The Dept. of Community Development provides copies of all Planning Commission materials to the Library (again, this depends on whether the library is open – everything is fluid right now) when they are mailed to the Planning Commission about a week prior to the meeting. They will continue to email copies of the new information to you and Ms. Sorrells when it is received.**
8. Has the County received correspondence related to the project from Army Corps of Engineers, VA Department of Environmental Quality, VA Department of Transportation, and/or the Marine Resources Commission (608.10)? If so, would you please provide copies? **Yes. Attached is an email string and copy of the referenced.**

9. Has required notification of the proposal been sent to affected jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water), and Federal Insurance Administration? (District Provisions 608.10). If so, or when they are, would you please provide copies of these notifications? **No. The proposed area is not in the 100-year special flood hazard area.**

10. Who, specifically, will be overseeing the following special exceptions, variances, and additional factors that must be considered before permitting (608.13 et. seq.)? Who, specifically, will be consulted to assure compliance with the conditions below and others?

- The danger that materials, in this case pipes, may be swept on to other lands or downstream to the injury of others (608.13-2); and
- The importance of the services provided by the proposed facility to the community (608.13-5); and
- The safety of access to the property in time of flood of ordinary and emergency vehicles (608.13-10); and
- The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site (608.13-11).

**Again, as there is no requirement for a special exception permit; this is not required under the code, and the proposed area is not within the 100-year special flood hazard area.**

I am sure that you share my concerns and those of the organizations on whose behalf I write, that the safety of residents of our County is of utmost importance, and that every step required in our Ordinances must be taken to ensure that the Project will in no way endanger that safety. This is especially important given the recent experiences in neighboring counties with pipeline projects including floods washing pipes off-site.

Thank you very much for your help in answering these questions and your assistance in gathering complete and accurate information.

Sincerely,

Molly Petty

Cc: Sam Crickenberger  
Chris Slaydon  
Jonathan Griffin

24 April 2020

Molly Petty  
207 Cove Lane  
Rockbridge Baths, VA 24473  
[mpetty@marybaldwin.edu](mailto:mpetty@marybaldwin.edu)  
540.885.8758

Spencer Suter, Rockbridge County Administrator  
County Administration Bldg.  
150 S. Main Street  
Lexington, VA 24450

Submitted by email

Dear Spencer,

On behalf of a coalition of concerned groups including the Rockbridge Area Conservation Council (RACC), Allegheny-Blue Ridge Alliance (ABRA), Augusta County Alliance, and the Environment Committee of 50-Ways Rockbridge, who together represent the interests of hundreds if not thousands of members who are citizens of Rockbridge County, I write to express some of our concerns about the Atlantic Coast Pipeline, LLC (ACP) Proposed Contractor Yard in Goshen.

We are especially concerned that the absence of an open public hearing and further limits on public comment under pandemic guidelines will prevent adequate opportunity for scrutiny of the concerns many of us have about the construction yard. In addition, given the complexity of the issue, access to the entire Planning Commission packet only one week prior, and in an unknown form (online?) and place (since the public library is closed, unavailable to usual viewing of Planning documents) is uncondusive to public transparency. Presumably, ACP will make a presentation at the May meeting and answer questions. The public should be able to hear the entire presentation and discussion and participate fully.

Given the public safety issues at stake, we request that the Planning Commission postpone consideration of the site plan or any other site work until full public participation and hearing can take place; given the Governor's Executive Order 55 et al. and positive developments on COVID-19, that could likely be in early summer.

As we pointed out in our March email, County ordinances exist to protect the health and safety of county residents. The recent redesignation of the FEMA Flood Insurance zone of the Goshen site, while advantageous to Dominion, does not absolve the County of responsibility for that primary function.

The county ordinances that pertain to the Goshen Project are rightfully full of restrictions for projects located in a flood zone. These restrictions are enforced to protect the health and safety of people, the viability of streams and waterways, and to protect taxpayers and the County from



liability or clean up costs. The ordinances are clear: "No new construction or development shall be permitted in the Flood way District" (302.86). Not allowed in this district are uses that include structures, fill or "storage of materials and equipment" (608.11-1).

What we hear in your March 25 responses about FEMA redesignation is, "we do not have to apply a strong level of scrutiny to this Project; we are not required to." We respectfully disagree.

To adhere to the broad standards of the Rockbridge County ordinances, some previously permitted activities in an Industrial zone must apply for a special exemption permit and are treated as "new" uses. Such a special exemption permitting process would shed light on the protections offered through the county review process, and we believe that the ordinances allow for that judgement, regardless of the flood zone re-designation and claim of permit by right.

Accommodating ACP's project will create no benefits for the County and cause only risk to its citizens. The "importance of the services provided by the proposed facility to the community" (Rockbridge Ordinances, 608.13-5) is nil. Further, Ord. 608 repeatedly raises the importance of public safety and well-being throughout. This project potentially puts at risk the health and safety of residents downstream, as well as those who use the Calfpasture and Maury rivers for boating, swimming, fishing, and/or drinking water.

We understand that you are considering treating this project as "by-right" and not requiring the owner to apply for a special exemption permit to deviate from the development limits imposed by the county's Land Development Regulations and zoning restrictions. There is no justification for doing so. Special permits are necessary to allow a landowner to use a parcel of property in a way that deviates from those uses that are allowed by the applicable zoning plan and from uses that are normally accepted activities in the area. They are necessary to allow situation-specific exceptions to zoning ordinances.

The piece of property at issue, upon which the contractor yard is proposed to be developed, is zoned IA, which does not envision the proposed use. The activities associated with its proposed use as a contractor yard clearly do not fall within the normally accepted activities for the area, as described in more detail below. They will create unacceptable risks to the natural resources of Rockbridge County and to the health of its citizens. Thus, the project cannot be built without a special exemption permit.

Significantly, the proposed contractor yard does not fit into any of the categories described in the Virginia Code (Title 15.2, Subtitle II, Chapter 22) for which a county may not require a special exemption permit, such as silviculture (§ 15.2-2288) or small-scale conversion of biomass to alternative fuel (§ 15.2-2288.01). To create an exception to the special permit per requirements of the Rockbridge County Land Use Regulations and zoning ordinances for a project like the proposed ACP Contractor Yard project with its likely adverse impacts defies the purpose of the by-right designation, which should be applied only to projects that do not violate applicable zoning restrictions.

In sum, the project should not be treated as a “by-right” project, but instead cannot go forward without requiring the owner to apply for a special exemption permit and submit to the associated procedures and public notice and comment requirements. Allowing this development without the documentation required for a special exemption permit and without allowing public participation by the many affected citizens undermines the authority of the County Planning Commission and Board of Supervisors, violates the public’s trust, and unnecessarily allows significant adverse impacts to the community’s values with no corresponding benefits.

The absence of scrutiny on the County’s part leaves many safety questions open, including the “unusual” geographic issue of the old levees surrounding the site and running parallel to Bratton’s Run. The LOMA redesignation, as we understand it, is a matter primarily of flood insurance, not any assurance that the site is an appropriate one. The ordinances require that the county, not FEMA, look at the overall suitability of an industrial use project, including whether or not the use is advantageous to the county. We have submitted an inquiry to FEMA regarding this recent redesignation, but have not yet heard back, another reason to postpone placing the Goshen yard on the May 13 agenda.

Dominion is not concerned with—or required to be concerned with—local circumstances; the County is. Allowing Dominion engineers to set the pace and determine the suitability of this site is admittedly less work for the county, but their track record on complying with federal and state regulations and responding to local communities is, by any standard, less than stellar. I provide links to just a few online articles at the end of this letter that attest to problems associated with construction vehicle traffic, site materials pollution, and toxic pipe coating pollution during periods of normal rainfall—and the resulting impairment of streams and rivers. These problems do not occur only during actual construction, but at laydown and work yards, on rural roads ill-suited to heavy construction traffic.

Applicability and Compliance provisions in 608.02-608.03 require full compliance with all ordinances and regulations; and, when existing or underlying regulations exist in a flood zone or there is a conflict between provisions, the more restrictive regulations apply. 608.06-2 (2). Until January, the Goshen Project site was in the flood zone. We do not believe that anything has changed on the flood zone front in the last few months. At this point in the process, the County seems set to apply very few restrictions, much less the most restrictive.

It seems to us that the county should opt to do the highest, not lowest, level of due diligence when it comes to moving the Goshen Project through the process. In not requiring the level of coordination with state and local entities set forth in special exemption permitting, much less the transparency and input of public hearings, the County is heading down a path that is uncondusive to public trust. Unfortunately, in Rockbridge, we may pay the price down the road for hurried due diligence in permitting.

Finally, the County does not need to address the Goshen application right now to move a legally questionable ACP project along. The fracked gas pipeline through neighboring Bath, Highland, and Augusta Counties—and through the Maury River headwaters—is missing 8 key permits, the overall FERC certificate is being challenged in court, and ALL construction has been halted since December of 2018. We do not see what Rockbridge has to gain by rushing the Goshen project now. It is putting the cart way before the horse. The unknown duration of the current Covid-19 epidemic, too, presents another problem: pipeline construction workers are most certainly from out of state, likely to converge on Goshen in groups larger than 10 that may or may not practice social distancing and frequent hand-washing.

Thank you for your attention to these concerns, especially now, during the disruption to our community caused by the coronavirus threat. We appreciate the County's efforts to place public safety and health first at all times, now, in the immediate crisis, and in the future.

Sincerely,

Molly Petty

Links to photos of storage yards and floating pipe segments:

<https://www.witf.io/wp-content/uploads/2018/05/20180427-wva-gas-pipes-3x2-1920x1280.jpg>

[https://www.wvgazette.com/business/two-more-notices-of-violation-issued-to-mountain-valley-pipeline/article\\_e669d8cb-7348-5aa3-9108-0c5844ace700.html](https://www.wvgazette.com/business/two-more-notices-of-violation-issued-to-mountain-valley-pipeline/article_e669d8cb-7348-5aa3-9108-0c5844ace700.html)

[https://www.roanoke.com/news/local/flood-carries-a-piece-of-the-mountain-valley-pipeline-into/article\\_e\\_2f9eb2e6-71b4-566c-bce5-659ad31f2dea.html](https://www.roanoke.com/news/local/flood-carries-a-piece-of-the-mountain-valley-pipeline-into/article_e_2f9eb2e6-71b4-566c-bce5-659ad31f2dea.html)

Cc

Chris Slayden

Sam Crickenberger

Jonathan Griffin



29 April 2020

Ms Molly Petty  
207 Cove Lane  
Rockbridge Baths, VA 24473  
mpetty@marybaldwin.edu  
540.885.8758

Rockbridge Planning Commission  
County Administration Bldg.  
150 S. Main Street  
Lexington, VA 24450

Submitted by email

Dear Kimberly Hines, Melissa Hennis, David Whitmore, Robert Lucas, and Lee McLaughlin,

On behalf of a coalition of concerned groups including the Rockbridge Area Conservation Council (RACC), Allegheny-Blue Ridge Alliance (ABRA), Augusta County Alliance, and the Environment Committee of 50-Ways Rockbridge, who together represent the interests of hundreds if not thousands of members who are citizens of Rockbridge County, I write to express some of our concerns about the Atlantic Coast Pipeline, LLC (ACP) Proposed Contractor Yard in Goshen.

We are especially concerned that the absence of an open public hearing and further limits on public comment under pandemic guidelines will prevent adequate opportunity for scrutiny of the concerns many of us have about the construction yard. The public will have access to the entire Planning Commission packet only one week prior, and in an unknown form (online?) and place (since the public library is closed, the packet will be unavailable for the usual viewing of Planning documents). These conditions are not conducive to public transparency. In addition, presumably ACP will make a presentation at the May 13 meeting and answer commissioners' questions. The public should be able to hear this entire presentation and discussion and participate fully; unfortunately, citizen participation will be nigh impossible for those who have bandwidth or cell phone issues from their rural homes.

Given the public health and safety issues at stake, we respectfully request that the Planning Commission postpone consideration of the site plan or any other site work until full public participation and hearing can take place; given the Governor's Executive Order 55 et al. and positive developments on COVID-19, that could likely be in early summer.

If the May 13 meeting takes place, we ask the Planning Commission to deny ACP's request to approve the Goshen construction yard.

In advance of the May 13 meeting, we thank you for your attention to the following concerns. We hope you will consider all of these questions before you make any determination about the

suitability of the Goshen project, especially in light of the fact that we see no advantage, only potential risk, to the county in accommodating ACP's project. The "importance of the services provided by the proposed facility to the community" (Rockbridge Ordinances, 608.13-5) is nil.

### **County Ordinances and Zoning**

According to the County Administrator, Rockbridge may permit this project without requiring any special exemption permits or variances, and with minimal county oversight. Please see the attached email to County Administrator Spencer Suter that outlines our strong disapproval of the County's potential lack of due diligence in treating the Goshen yard as a "by-right" project (1).

### **Why invest county resources in the ACP NOW?**

The 42-inch natural gas Atlantic Coast Pipeline through neighboring Bath, Highland, and Augusta Counties is missing 8 key permits, the overall FERC certificate is being challenged in court, and ALL construction has been halted since December of 2018. We do not see what Rockbridge has to gain by going forward with the proposed Goshen project now. It is putting the cart way before the horse. The unknown duration of the current Covid-19 epidemic, too, presents other problems: pipeline construction workers are most certainly from out of state, likely to converge on Goshen in large groups that may or may not practice social distancing and frequent hand-washing. As per current Governor Northam's orders, restaurants are currently closed.

<https://www.wdbj7.com/content/news/Pipeline-opponents-raise-coronavirus-concerns-569237471.html>

### **Traffic and Road Safety, Site Considerations**

That the proposed Goshen site is zoned Industrial is not sufficient reason to ignore potential safety issues. Dominion already has a permitted construction yard in Raphine, a site that has Interstate and industrial-suited traffic access. The infrastructure in that area supports that particular site. The Goshen site, on the other hand, is situated at the junction of rural Bratton's Road (Rt. 780) and Rts. 39 and 42. Does anyone really think the infrastructure in Goshen supports this project? What evidence do we have that this is the case?

One of the reasons the Board of Boy Scouts of America in 2009 rejected the Goshen site as a destination for their 10-day, quadrennial Jamboree was insufficient access via roads either through the Pass or along Brattons Run road as well as whether roads in the area could handle the traffic the jamboree would generate.

([https://www.roanoke.com/archive/goshen-ruled-out-as-site-of-boy-scout-jamboree/article\\_b8d07c27-9ec8-5aa8-afa2-0afa6f66bf1b.html](https://www.roanoke.com/archive/goshen-ruled-out-as-site-of-boy-scout-jamboree/article_b8d07c27-9ec8-5aa8-afa2-0afa6f66bf1b.html)).

A simple ingress/egress VDOT study is inadequate for assessing the traffic and road wear and tear that would result from the increase in car and large construction vehicle traffic on these roads, especially Bratton's Run. Do school buses usually travel that route? Will ACP be required to provide the county with a detailed work schedule and truck routes? How will construction vehicles travel to Bath County from Goshen? Who will be assessing the safety issues the



County will face on narrow bridges and roads, dangerous curves, potholes, and lack of pull-off areas and narrow shoulders? Will volunteer county emergency services be involved in the event of vehicular accidents, road closures?



ACP construction sites are noisy, brightly lit, dusty operations, at times active dawn to dusk, 7 days a week. What are the hours of operation planned for Goshen? Will there be exceptions to those hours? What will the lighting be? What about the noise levels?





For a more detailed traffic analysis that ACP has submitted in the past, please see the attachment to this email, WSPs Deerfield study, June 2018, (2). Rockbridge should be privy to more than a simple ingress/egress study—and have sufficient time to study it. Will the County see such detail?

### **Flooding, Erosion and Sedimentation of Waterways**

First, it would be extremely unwise to approve any site plan before the County has had a chance to review DEQ Sedimentation and Erosion permit recommendations. We do not know if ACP has submitted its application to DEQ yet; in fact, we don't know if ACP has made FERC aware of their intent to add the Goshen site. In the absence of these state and federal requirements being met, Rockbridge is simply jumping the gun. Why rush? The County needs this information to properly review the Goshen site plan in a manner consistent with the County's Comprehensive Plan and ordinances.

The site plan we have at present would require 2 bridges, one a 50-ft timber bridge over wetlands. As typical of Dominion projects, the final location of 4 water crossings is "to be determined by Atlantic Coast Pipeline." Should not the county demand more detail about how our water quality will be protected? Should not ACP be asked to provide more information about

their stated pledge that the property shall be “restored back to the original condition of the land”? Does restored to original mean removal of bridges, clean-up of fuel and toxic materials spills, removal of gravel, replanting of trees?

During a recent flyover by ABRA, water was standing on the Goshen site close to a levee after only a few days of rain.









This site potentially drains into Bratton's Run, posing a likely risk of sediment and other pollutants washing into the stream or the wetlands area. It is unlikely that any amount of erosion and sediment control and stormwater management will fix the fact that this low lying site will hold standing water after even relatively small storms. How can the county be assured that run-off will not enter Bratton's Run in the event of moderate or heavy rains? Will the county require an independent hydrological and hydraulic study of the site independent of ACP (but paid for by the developer)?

The Goshen site plan bears an eerie resemblance to the Lexington sawmill layout in the Kerr's Creek District. Both sites are quite closely bordered by streams, in one case Ford Run, in the other Bratton's Run. The Lexington Sawmill is currently in VPDES compliance negotiations through DEQs enforcement division, who will eventually hold a public hearing on this multi-year, sorry situation. We hope Rockbridge will consider acting proactively, rather than reactively, on the Goshen Project.

Finally, no one in Franklin County thought that 42 inch, heavy pipes from the Mountain Valley Pipeline would float, but float they did, right over into the yard of a landowner:  
[https://www.roanoke.com/news/local/flood-carries-a-piece-of-the-mountain-valley-pipeline-into/article\\_2f9eb2e6-71b4-566c-bce5-659ad31f2dea.html](https://www.roanoke.com/news/local/flood-carries-a-piece-of-the-mountain-valley-pipeline-into/article_2f9eb2e6-71b4-566c-bce5-659ad31f2dea.html).

The stored items at Goshen could wash away in a flood and block a bridge or culvert crossing downstream. They could wind up in Bratton's Run. If they don't wash away, they force more floodwaters onto adjacent properties. Any pollution on the ground, and there will be pollution, will be carried downstream.

### **Health and Safety of Rockbridge Residents and Visitors**

The Atlantic Coast Pipeline staging site is practically on top of Bratton's Run and is only a few hundred yards from the spot where Bratton's Run empties into the Calfpasture. The Calfpasture flows into the Maury River and into Goshen Pass barely two miles downstream. The Maury was just declared a Scenic River—with the support of the Board of Supervisors.

[https://www.roanoke.com/news/local/stretch-of-maury-river-receives-state-scenic-designation/article\\_2ff0cd53-d9ae-5fbb-b963-95270fa7f52a.html](https://www.roanoke.com/news/local/stretch-of-maury-river-receives-state-scenic-designation/article_2ff0cd53-d9ae-5fbb-b963-95270fa7f52a.html)

Given the dangerous chemicals that could be washed off the aging pipes (see next section), this creates a potentially serious public health problem. Bratton's Run has been monitored by RACC volunteers above the proposed site, and the waters have been clear and in excellent condition for almost 20 years. Do we want to take a risk with one of the state's natural treasures and face public health consequences by building a construction yard for a pipeline that can not be currently built?

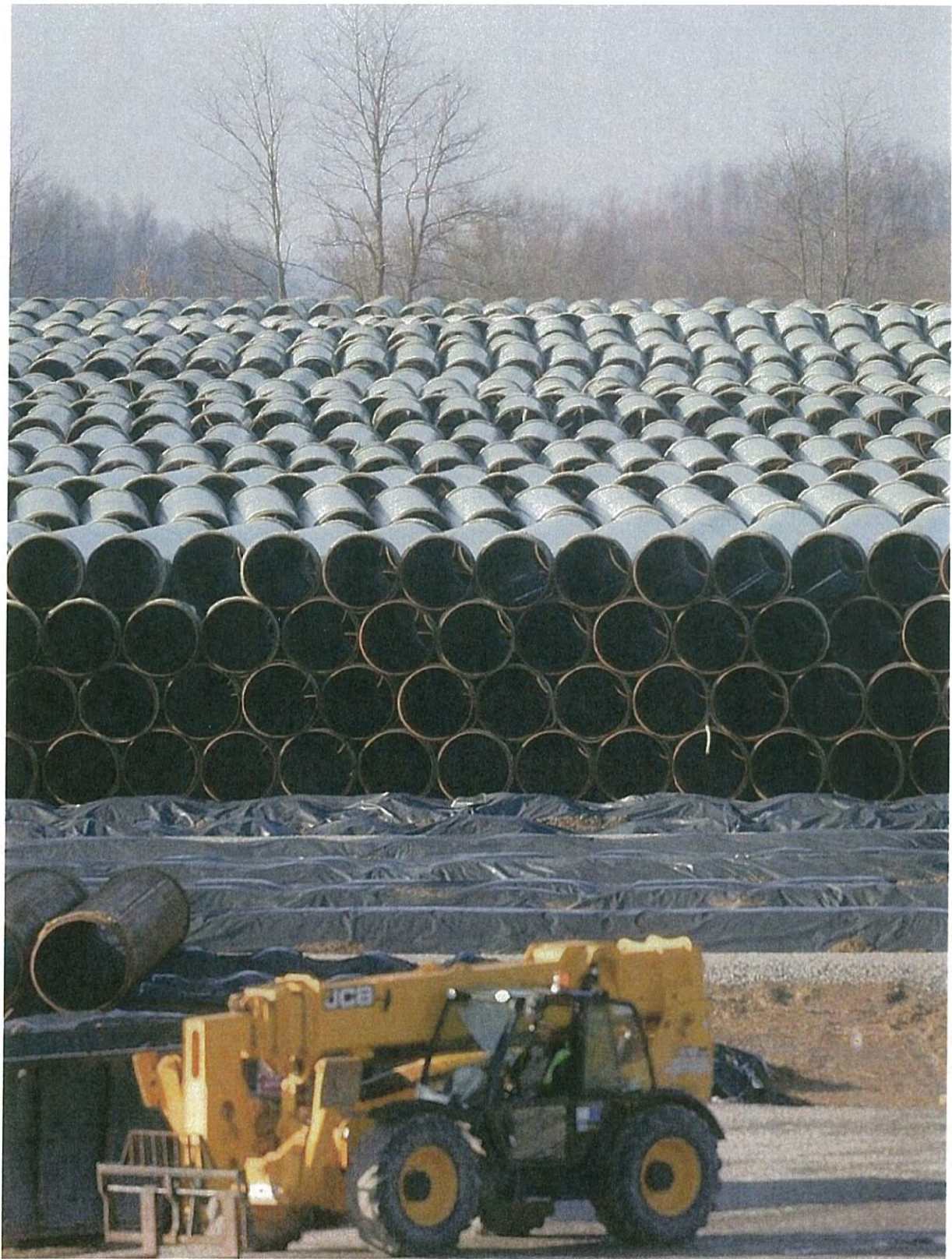
Thousands of people flock to this natural treasure and swim in these waters every year. Do we want to risk their health?

In addition, at the upper end of the Maury, the stretch barely two miles from the ACP site is stocked with trout by the Virginia Department of Game and Inland Fisheries from October until June. When it is stocked, scores of fishermen can be seen pulling trout out of the river. Most of those trout get eaten. Sedimentation from the Goshen ACP site could have devastating effects on trout health in the Maury. Will erosion and sedimentation occur? Without a DEQ study in hand, how is the County to assess the risk?

### **Pipe Coating and materials pollution**

In addition to inevitable machine oil leaks and gas spills that will occur at Goshen, the pipe segment coating is a concern. Pipes segments brought to Goshen will have been exposed to the sun for 4 years, long beyond recommended periods to ensure safety. Sunlight degrades the external pipe coating and leaves a chalky material on the pipes. Coating manufacturer 3M has stated that they expect that some of the chemical byproducts of the degraded coating will be toxic to aquatic life, and this degraded coating could wash off, or blow off the pipes as dust. <https://www.nrdc.org/experts/amy-mall/pipeline-chemical-coatings-are-serious-concerns>







According to the ACP's Final Environmental Impact Statement (FEIS), ACP will use the lay down yards to apply a caustic concrete coating to pipes "when required for waterbody or wetland crossings." According to the FEIS, "In areas where concrete coating of pipe is required within the construction right-of-way, the coating activities would comply with the SPCC Plan. Concrete coating activities would take place a minimum of 100 feet from wetlands, waterbodies, and springs, and 300 feet from karst features." Will these wetlands distance standards be applied to the Goshen site?

It is also very possible that degraded pipe coating contains silica, a carcinogen by inhalation. This could put anyone near these pipes at risk. These risks have been brought to the attention of the Virginia Department of Health, which has expressed concern, and has written to FERC. FERC has not responded to VDH in writing yet, and advises that they will further analyze these concerns. We hope the Rockbridge Health Department will be consulted and notified about human health concerns related to coating and other toxic chemicals used at the Goshen site.

Have the pipe segments to be shipped to Goshen been sitting in the sun and degrading for longer than the manufacturer's recommended time? Will these activities be distance compliant from wetlands and waterbodies at the Goshen site? We think that Rockbridge deserves detailed information about the activities and materials that ACP intends to use at the site.



## Conclusions

The unanswered questions herein about public health and safety, water quality in and protection of our scenic rivers and streams in the Maury watershed, as well as the viability of the pipeline project itself are many. These questions and others should be resolved through further study and adherence to the highest standards of scrutiny recommended in the County Comprehensive Plan and required in County Ordinances. The Planning Commission and Board of Supervisors should not put a stamp of approval on the Goshen site plan. If prudence prevails, planners will reject ACP's proposed contractor's yard at the May 13 meeting.

Thank you for your attention to these concerns, especially now, during the disruption to our community caused by the coronavirus threat. If you have any questions, please do not hesitate to email me at [mpetty@marybaldwin.edu](mailto:mpetty@marybaldwin.edu).

Sincerely,

Molly Petty

#### Attachments

1. Email to County Administrator Suter re: by-right ordinances, 24 April, 2020.
2. WSA 2018 Traffic Study for ACP Deerfield, Augusta Ct. laydown and construction yard (site ultimately rejected).

#### CC:

##### Rockbridge Board of Supervisors

(Buffalo) Leslie E. Ayers  
(Kerrs Creek) Dan Lyons. Chair  
(Natural Bridge) David B. McDaniel  
(South River) R.W. Day. Vice Chairman  
(Walkers Creek) A.J. "Jay" Lewis, II

##### County Administration Staff

Spencer Suter  
Chris Claydon  
Jonathan Griffin  
Sam Crickenberger





## Sam Crickenberger

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**From:** Spencer Suter  
**Sent:** Monday, May 04, 2020 11:42 AM  
**To:** Sam Crickenberger; Chris Slaydon; Vickie Huffman; Robert Day; Dan Lyons; David McDaniel; Jay Lewis; Leslie Ayers  
**Subject:** FW: No Atlantic Coast Pipeline Contractor Yard in Goshen

Here is another comment on the ACP.

Thanks,

Spencer

**From:** Va <hippvi@yahoo.com>  
**Sent:** Monday, May 4, 2020 11:27 AM  
**To:** Citizen Comments <citizencomment@rockbridgecountyva.gov>  
**Cc:** Kimberly Hines <khines@rockbridgecountyva.gov>; Melissa Hennis <mhennis@rockbridgecountyva.gov>; David Whitmore <dwhitmore@rockbridgecountyva.gov>; Robert Lucas <rlucas@rockbridgecountyva.gov>; Lee McLaughlin, Jr <lmclaughlin@rockbridgecountyva.gov>  
**Subject:** No Atlantic Coast Pipeline Contractor Yard in Goshen

For these reasons and more, **please** say no -

- The 42-inch natural gas Atlantic Coast Pipeline is missing 8 key permits.
- The overall FERC certificate is being challenged in court.
- ALL construction has been halted since December of 2018.
- County permitting is not consistent with the Virginia Clean Economy Act signed by Gov. Northam on 4/11/20, and which will go into effect on 7/1/2020.
- The Goshen site is on a flood plain but maybe exempted from County flood plain requirements.
- ACP means massive deforestation, species loss, forest fragmentation, and destruction of wildlife habitat.
- Toxic soil, water, and air pollutants and explosion potential from pipe coating degradation.
- Increased sedimentation could have devastating effects on trout health in the Maury River.
- 3M Scotchkote pipe coating can degrade in sunlight, wind, and rain, leaking chemicals that can cause birth defects, cancer, and other health problems.
- Duration of pipe storage at pipe laydown yards exceeds the manufacturer's recommendation.

## Sam Crickenberger

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**From:** Spencer Suter  
**Sent:** Monday, May 04, 2020 11:39 AM  
**To:** Sam Crickenberger; Chris Slaydon; Vickie Huffman; Robert Day; Dan Lyons; David McDaniel; Jay Lewis; Leslie Ayers  
**Subject:** FW: Atlantic Coast Pipeline

All,

Though this was directed to the Planning Commission, I wanted to share as it came in on the Citizen Comment email and is an ongoing topic of interest.

Thanks,

Spencer

**From:** McKissick, Mark C. <mark.mckissick@vdot.virginia.gov>  
**Sent:** Monday, May 4, 2020 11:31 AM  
**To:** Citizen Comments <citizencomment@rockbridgecountyva.gov>  
**Cc:** Kimberly Hines <khines@rockbridgecountyva.gov>; Melissa Hennis <mhennis@rockbridgecountyva.gov>; David Whitmore <dwhitmore@rockbridgecountyva.gov>; Robert Lucas <rlucas@rockbridgecountyva.gov>; Lee McLaughlin, Jr <lmclaughlin@rockbridgecountyva.gov>  
**Subject:** Atlantic Coast Pipeline

I hope you will approve the request at your 5/13/20 meeting for storage yard in the Goshen area. This pipeline needs to be constructed as soon as possible. Thank you in advance.























THREE DAYS BEFORE YOU DIG  
CALL VA ONE CALL SYSTEM TOLL FREE  
811 OR 1-800-552-7001

**SEDIMENT BASIN SUMMARY:**

SEDIMENT BASIN NO.	DRAINAGE AREA (AC)	WET STORAGE		DRY STORAGE		POND VOL. (CY)	POND CREST EL. (FT)	RISER DIA. (IN)	ORIFICE		EMERGENCY SPILLWAY		25-YR. STORM EL. (FT)		OUTLET PIPE		EMBANKMENT		RUNOFF				
		VOL. (CY)	PEAK (CFS)	VOL. (CY)	PEAK (CFS)				DIAM. (IN)	LENGTH (FT)	DIAM. (IN)	LENGTH (FT)	DIAM. (IN)	LENGTH (FT)	TOP EL. (FT)	WIDTH (FT)	LENGTH (FT)	DIAM. (IN)	INVERT (FT)	DIAM. (IN)	LENGTH (FT)	Q25 PRE (CFS)	Q25 POST (CFS)
SB-1	23.25	3558	5528	3558	9049	4421.00	1405.25	36	1404.00	3	1404.85	8	1406.55	30	1407.31	1408.50	12.5	42	24	1404.00	1403.80	82.44	36.71

**CULVERT AND OUTLET PROTECTION SUMMARY:**

CULVERT NO.	PIPE DIA. (IN)	MATERIAL	MAN. "x"		INV. IN (FT)	INV. OUT (FT)	LENGTH (FT)	SLOPE (P/F)	CULVERT		DIP (CFS)		Q25 (CFS)	SLOPE (P/F)	OUTLET PROTECTION		APRON LENGTH (FT)	APRON WIDTH (IN)	RIPRAP CLASS	RIPRAP EMB. (IN)	APRON BOTTOM GRADE (IN)	LIP TYPE	
			MIN.	MAX.					MIN. DEPTH (FT)	MIN. WIDTH (FT)	MIN. DEPTH (FT)	MIN. WIDTH (FT)			APRON LENGTH (FT)	APRON WIDTH (IN)							RIPRAP CLASS
C1	34	REP	0.013	1405.50	1402.20	40	0.010	11.48	15.90	1.40	8.36	15.90	1.40	11.48	15.90	1.40	11.48	15.90	CLASS A 1.5" RIPRAP	18	12	14	0%
SB-1	34	REP	0.013	1404.00	1403.80	42	0.005	15.18	15.18	5.33	6.44	15.18	5.33	15.18	5.33	6.44	15.18	14	CLASS A 1.5" RIPRAP	18	12	14	0%

\*CALCULATED USING AUTODESK STORM AND SANITARY ANALYSIS. REFER TO APPENDIX C.2.

\*OUTLET VELOCITY CALCULATED USING HY8. REFER TO APPENDIX C.2.

**LEVEL SPREADER SUMMARY:**

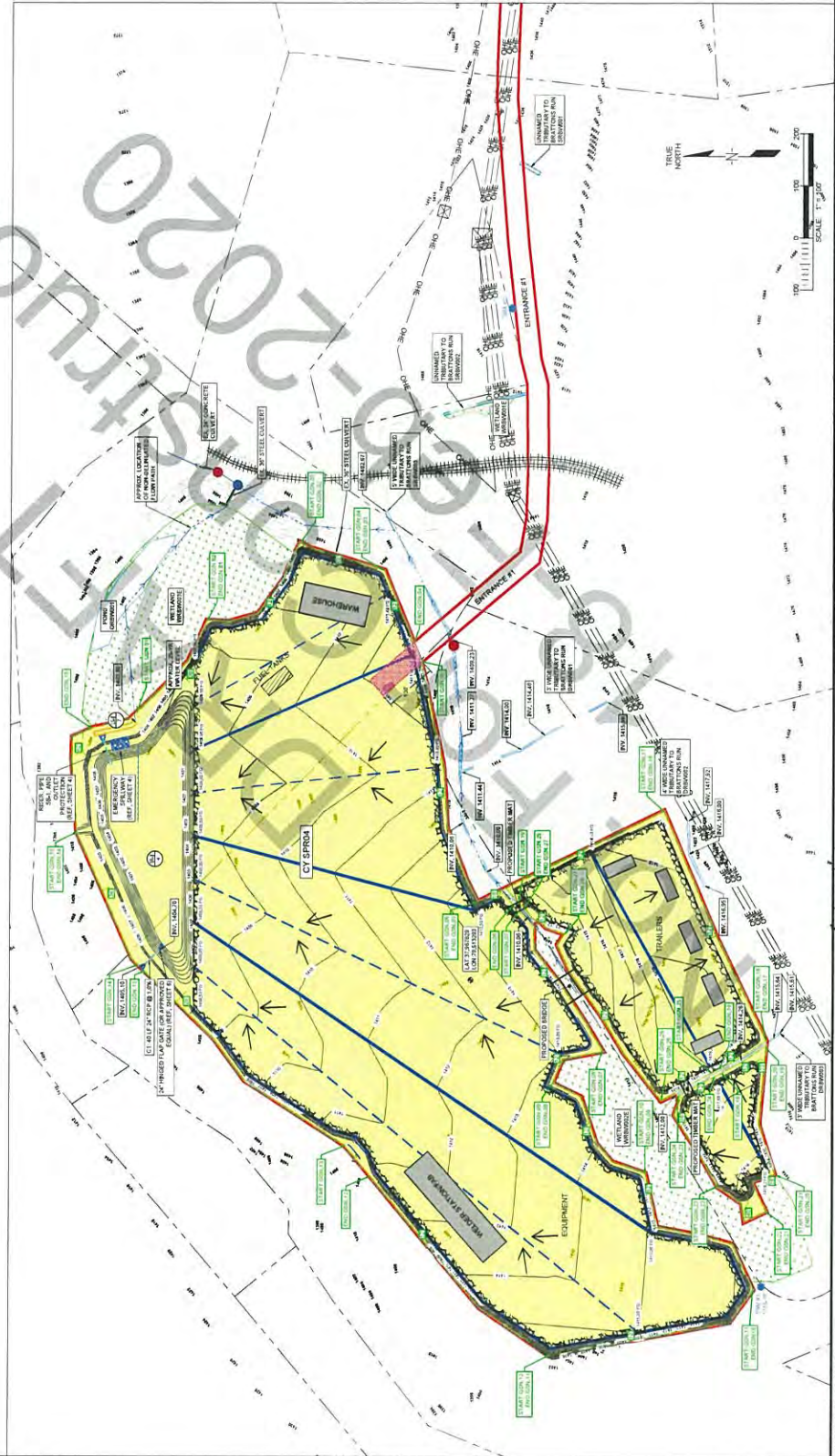
LEVEL SPREADER ID	MIN. DEPTH (FT)	MIN. WIDTH (FT)	MIN. LENGTH (FT)	LIP TYPE
LS-1	0.5	8	84	RIGID

**SEDIMENT BARRIER SUMMARY:**

BARRIER #	SCOPE LENGTH (FT)	SLOPE %	BARRIER TYPE
1	30	17	BSRF
2	12	50	BSRF
3	12	50	BSRF
4	12	42	BSRF
5	12	21	BSRF
6	18	20	BSRF
7	12	31	BSRF
8	12	30	BSRF
9	12	28	BSRF
10	12	28	BSRF
11	12	50	BSRF
12	12	43	BSRF
13	28	10	BSRF
14	34	10	BSRF
15	12	15	BSRF
16	12	15	BSRF
17	12	36	BSRF
18	12	24	BSRF
19	12	24	BSRF
20	23	16	BSRF
21	18	36	BSRF
22	40	18	BSRF
23	16	37	BSRF
24	18	37	BSRF
25	12	48	BSRF
26	12	25	BSRF
27	12	30	BSRF

**LEGEND**

- PROJECT BOUNDARY (D83 AC)
- LIMITS OF DISTURBANCE (D19 AC)
- PROPERTY BOUNDARY
- EXISTING ROADWAY
- EXISTING OVERHEAD UTILITY
- EXISTING CULVERT
- GENERATED WATER/SEWER/STORM
- DELIMITED WETLAND
- FLOW ARROW
- PROPOSED BRIDGE
- PROPOSED TIERER MAT
- PROPOSED CULVERT
- PROPOSED SEDIMENT BASIN RISER
- PROPOSED POINT OF INSTALLATION
- GRAVEL AREA
- OUTLET PROTECTION RIPRAP
- PROPOSED LOCALIZED HIGH POINT
- PROPOSED LOCALIZED LOW POINT
- PROPOSED LOCALIZED LOW POINT
- BAFFLE
- LEVEL SPREADER
- DITCH CENTERLINE
- POINT OF ANALYSIS - CHANNEL PROTECTION
- POINT OF ANALYSIS - FLOOD PROTECTION
- PROPOSED CONTOUR (DFT INTERVAL)
- EXISTING CONTOUR (DFT INTERVAL)
- SEGMENT BARRIER
- PIPE AND FITTING NUMBER
- FUEL TANK AREA (STY, 250)
- TROUBLE (4' X 6')
- TEMPORARY BENCH MARK
- SEDIMENT BARRIER SLOPE LENGTH
- CONSTRUCTION ENTRANCE



**Atlantic Coast Pipeline, LLC**  
925 White Oaks Blvd., Bridgeton, West Virginia 26030 | 601-642-4000

**GOSHEN CONTRACTOR YARD**  
**EROSION & SEDIMENT CONTROL PLAN**

PROJECT NO. 071002020  
CHECKED BY BDM  
DATE 07/10/2020  
APP. FOR PER. [Signature]  
SCALE 1" = 100'

DATE [ ] DATE [ ] BK [ ] BK [ ]

PROJECT/APP. INFORMATION

REVISION INFORMATION

GENERAL NOTES AND COMMENTS:  
1. CONTOURS AND BENCH MARKS PROVIDED BY GOSHEN PIPELINE, LLC WITH INTERPOLATED CONTOURS DERIVED FROM THE UNIONS NATIONAL ELEVATION DATASET. OFFSITE CONTOURS DO NOT ALWAYS MATCH WITH CONTOURS WITHIN THE PROJECT AREA. FOR GRADING PURPOSES, CONTOURS WITHIN THE SITE AREA SHOULD BE USED.

DATE [ ] DATE [ ] BK [ ] BK [ ]

PROJECT/APP. INFORMATION

REVISION INFORMATION

DATE [ ] DATE [ ] BK [ ] BK [ ]

PROJECT/APP. INFORMATION

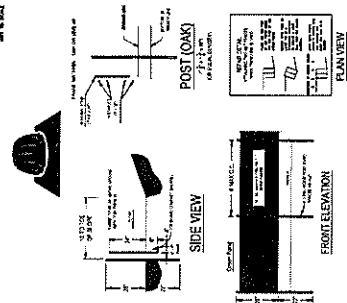
REVISION INFORMATION



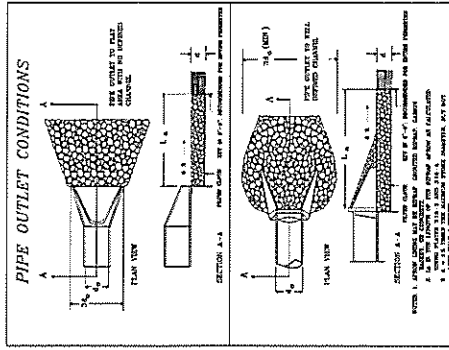
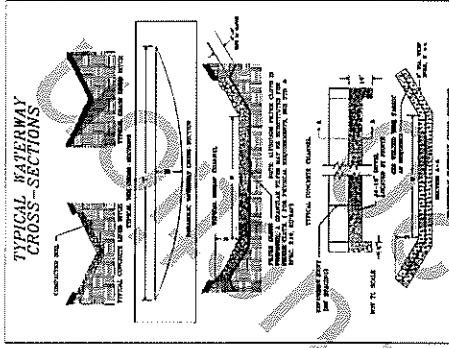
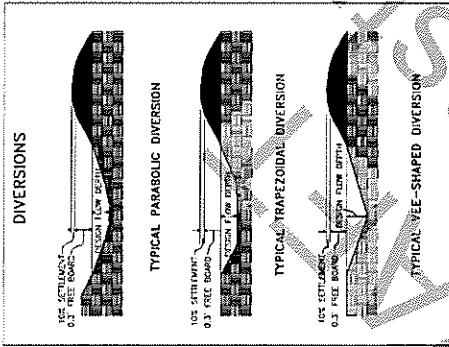
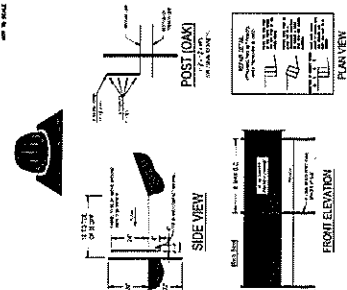




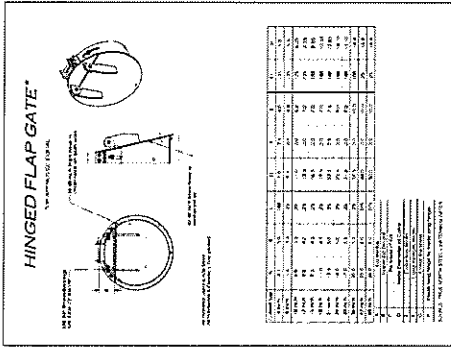
**BELTED SILT RETENTION FENCE - (BSRF)  
PRIORITY 1 - GREEN BAND**



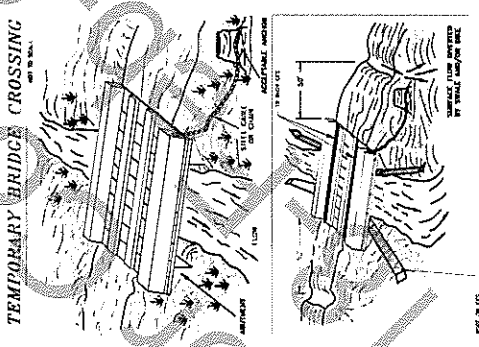
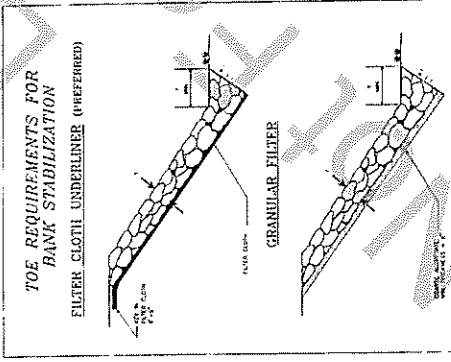
**BELTED SILT RETENTION FENCE - (BSRF)  
PRIORITY 2 - BLACK BAND**



1992



3.19



Source: Adapted from VDOT Drainage Manual

Note: Only used crossing sections may be suitable outside of wet perimeter

**Atlantic Coast Pipeline, LLC**  
 805 West Oaks Blvd, Endicott, West Virginia 26030 / 681-642-2000

**GOSHEN CONTRACTOR YARD**  
**EROSION AND SEDIMENT CONTROL DETAILS**

DATE: 11/15/2017  
 DRAWN: J. ROSS  
 CHECKED: J. ROSS  
 SCALE: AS SHOWN

PROJECT: 6 OF 7 0

DATE: 11/15/2017  
 DRAWN: J. ROSS  
 CHECKED: J. ROSS  
 SCALE: AS SHOWN

PROJECT: 6 OF 7 0

