UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 18 2014

REPLY TO THE ATTENTION OF:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Re: EPA Scoping Comments – FERC Notice of Intent to Prepare an Environmental Impact Statement for the Planned Rover Pipeline Project in Michigan, Ohio, Pennsylvania and West Virginia. (FERC Docket No. PF14-14-000)

Dear Ms. Bose:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the United States Environmental Protection Agency (EPA) has completed its review of the Federal Energy Regulatory Commission's (FERC) Notice of Intent (NOI) to prepare an Environmental Impact Statement for the Rover Pipeline Project (Rover).

To assist in the scoping process for this project, we have identified several issues for your consideration in the preparation of the EIS, including recommendations relating to the assessment of impacts to air and water quality, greenhouse gas emissions, indirect effects, climate change, public health and safety, environmental justice, biological resources, habitat and wildlife. Enclosed are our detailed comments and recommendations.

EPA appreciates the opportunity, as a cooperating agency (per EPA's September 30, 2014, letter), to review and provide comments on the proposed project. Upon completion of the Draft EIS (DEIS), please send our office one (1) paper copy and four (4) CDs, and EPA Region 3 one (1) paper copy and one (1) CD of the DEIS when it is electronically filed.

If you have any questions or concerns, I can be reached at 312-886-2910, or contact Virginia Laszewski of my staff at laszewski.virginia@epa.gov or 312-886-7501.

Sincerely,

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure

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**EPA Scoping Comments**
**For the Federal Energy Regulatory Commission (FERC)**
**Notice of Intent (NOI)**
**To Prepare an Environmental Impact Statement (EIS)**
**For the Planned Rover Pipeline Project**
**Michigan, Ohio, Pennsylvania and West Virginia**
**(FERC Docket No. PF14-14-000)**

## BACKGROUND

In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Federal Energy Regulatory Commission (FERC) intends to prepare an Environmental Impact Statement (EIS) analyzing the impacts of Rover LLC's (Rover), a subsidiary of Energy Transfer, planned interstate natural gas Rover Pipeline Project (Project). FERC's Notice of Intent (NOI) identifies that Rover proposes to construct and operate Project facilities in multiple counties in Michigan (MI), Ohio (OH), West Virginia (WV), and Pennsylvania (PA).

## PROJECT DESCRIPTION

According to the NOI, Rover plans to use 621 miles of operational right-of-way (r-o-w) to construct and operate about 820 miles of interstate natural gas transmission pipeline and associated facilities in MI, OH, PA, and WV. The Project would originate near Cadiz in Harrison County, OH; would extend about 210 miles west to an interconnection with the existing Mid-west Hub; and then head northeast for about 209 miles to the Canadian/United States (MI) Border. The remaining 199 miles would be associated with eight (8) supply laterals to serve areas in OH, PA, and WV. Specifically the proposed Project would consist of:

- Eight (8) 24-, 30-, 36-, and 42-inch-diameter pipeline supply laterals (199.3 miles), in Washington County, PA; Doddridge, Hancock, Tyler, and Wetzel Counties, WV; and Belmont, Carroll, Harrison, Jefferson, Marshall, Monroe, and Noble Counties, OH.

- Two (2) collocated 42-inch-diameter pipelines, Mainline A (209.5 miles) and Mainline B (202.1 miles), in Ashland, Carroll, Crawford, Defiance, Hancock, Harrison, Henry, Richland, Seneca, Stark, Tuscarawas, Wayne, and Wood Counties, OH.

- One (1) 42-inch-diameter pipeline, Market Segment (209.4 miles), in Defiance, Fulton, and Henry counties, OH; and Genesee, Lapeer, Lenawee, Livingston, Macomb, Oakland, Shiawassee, St. Clair, and Washtenaw Counties, MI.

- Ten (10) new compressor stations (CS):

    - Cadiz CS, Harrison County, OH
    - Clarington CS, Monroe County, OH;

- Seneca CS, Noble County, OH;
- Burgettstown CS, Washington County, PA;
- Majorsville CS, Marshall County, WV;
- Sherwood CS, Doddridge County, WV;
- Defiance CS, Defiance County, OH;
- Mainline CS 1, Carroll County, OH;
- Mainline CS 2, Wayne County, OH;
- Mainline CS 3, Crawford County, OH; and
- Four (4) new metering and regulating stations in Doddridge County, WV; Monroe County, OH; and Washtenaw and Shiawassee Counties, MI.

**COMMENTS**

**Additional Project components** – EPA is aware that interstate natural gas pipeline projects may include the construction and operation of communication towers and/or electricity supply lines.

Recommendation: In addition to the construction and operation of the pipelines, meter and compressor stations, and mainline valves, we recommend the EIS identify and assess impacts associated with any Project-related electricity transmission lines, communication towers, access roads, contractor yards and horizontal directional drill (HDD) and inspection tools (e.g., smart pigs) launching/receiving facility locations that are needed for construction and/or operation of the Project.

**Pipeline Capacity** – The NOI does not disclose the proposed capacity of natural gas transported by the proposed Project as a whole or the capacity of the various diameter supply laterals, Mainlines A and B, and the Market Line

Recommendation: We recommend the EIS disclose the amount of natural gas Rover proposes to move through the Project pipelines and export to Canada. The EIS should also identify if the proposed Mainlines, Market Line and/or supply laterals, as currently proposed, are capable of carrying a greater volume of natural gas than currently proposed by Rover.

Recommendation: In addition, we recommend the EIS also compare the proposed amount of natural gas to be transported by the Project in a way that a typical layperson can relate to. For example, it may be helpful to provide an estimate of the number of typical 3-bedroom homes that could be heated during one typical 24hr winter day in the Great Lakes Region to the proposed amount (Bcf/d) of natural gas proposed to be carried by the Project

**Operating lifetime of the proposed Project** – The NOI does not disclose Rover's expected Project operating lifetime.

Recommendation: We recommend the EIS identify the expected operating lifetime of the Project, and discuss what typically happens to an interstate natural gas pipeline and its components once it reaches

the end of its expected lifetime and/or is no longer needed. We recommend the EIS identify the measures FERC requires interstate natural gas pipeline owners have in place to ensure that a proposed pipeline will be operated and decommissioned in a timely manner that protects human health and the environment.

**Processing plants/facilities** – EPA understands that Marcellus/Utica shale gas must be processed at processing plants to render the gas suitable for transmission in proposed Mainlines A and B, and the Market Line. The NOI does not mention nor disclose the existing and/or proposed locations of these processing facilities.

Recommendation: We recommend the EIS identify the location of the processing plants/facilities that would provide the processed gas that would be transmitted by the Project. If existing processing facilities will need to be modified and/or new processing plants need to be constructed due to the Project, we recommend that the impacts associated with the modifications and/or construction and operation of these facilities be assessed in the EIS and mitigation measures identified.

**Mid-west Hub interconnection** – The NOI does not specifically identify where in Ohio the "Mid-west Hub" (Hub) is located and whether the facilities and/or operation of the Hub will need to be modified in order to receive, store and/or pass through the gas delivered by the Project.

Recommendation: We recommend the EIS identify the location and describe the existing facilities and operations at the Mid-west Hub. In addition, we recommend the EIS identify any changes that may need to be made to the Hub in order to receive, store and/or pass through the gas delivered by the Project, and identify the impacts associated with these changes and potential appropriate mitigation measures.

**Project Alternatives** – The NOI does not identify the project alternatives that would be evaluated in the EIS.

Recommendations: We recommend the alternatives analysis discussion include consideration of the feasibility of using excess capacity in existing pipelines and/or using existing facility locations and rights-of-way.

**Affected Environment (MI/OH/PA/WV/US-Canada border)** – To explain the proposal's impacts on various resources, the EIS will need to include a detailed characterization of the affected environments in MI, OH, PA, and WV.

Recommendations: We recommend the EIS include detailed descriptions of the resources in the study areas for the proposed pipeline, associated facilities, access roads, contractor supply and staging areas, any needed communication towers, electricity supply lines, existing and proposed new compressor and meter stations, supported with photos and figures/maps. The figures and maps should depict the various alternative pipeline routes, facilities and facility components in relation to the study area resources.

Existing pipeline and other utility corridors in the study area should also be clearly identified and delimited in EIS figures.

**Clean Water Act (CWA) Section 404 permits and compliance with CWA Section 404(b)(1) Guidelines** – The proposal will need a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers (Corps) and in Michigan, from the Michigan Department of Environmental Quality, which has assumed the Section 404 program. Mitigation requirements under 40 CFR Section 230 address the replacement of unavoidable losses of wetland functions and values.
Recommendations: We recommend the EIS contain a level of information and analysis adequate to support compliance with the CWA, Section 404(b)(1) Guidelines, including alternatives and mitigation sequencing requirements (first avoid, then minimize, and finally compensate for those impacts that cannot be avoided or minimized). Direct, indirect and cumulative impacts analysis should be included in the EIS. If mitigation banking is proposed, we recommend providing details of the proposed mitigation bank/s in the EIS.

**Surface Water and Groundwater Quality/Quantity** – The EIS will need to clearly describe water bodies, streams and ground water resources within the analysis areas.

Recommendations (Impaired Waters/401 Certification/TMDLs): Impacts of the various alternatives on water quality should address, but not be limited to, a water body's designated use and compliance with MI, OH, PA and WV Water Quality Standards and CWA, Section 401 Water Quality Certifications. The EIS should also identify whether or not water bodies located in the various proposed project areas are listed by a state as impaired, and, if so, are part of a Total Maximum Daily Load (TMDL) plan. If impaired waters are identified, the EIS should identify the impairment/s and the reason/s for the impairment/s. The Project's impacts on TMDL's should be analyzed and disclosed in the EIS, and mitigation identified.

Recommendations (Drinking Water Supply, Well-head Protection Areas, Water Supply Intake, Springs and Karst Geology): We recommend giving special attention to work that would occur in or near an identified well head (drinking water) protection zone, or upstream of a drinking water intake. In addition, special attention should be given to how work is conducted in areas with karst geology where contaminants introduced into the karst system may travel underground for miles and show up in private and/or public drinking water supply wells, streams/rivers and/or springs used by people and/or livestock for drinking water. While the EIS would most likely not identify the specific locations of public and private drinking water supply intakes or wells, impacts to these resources should be evaluated and mitigation measures identified, if applicable.

Recommendations (Water Body – River/Stream Crossings): We recommend identifying and discussing details regarding the widths of proposed stream crossings and how these crossings will be accomplished. Where feasible, we recommend the use of directional drilling for all water crossings, including directional drilling of their associated floodplains, wetlands and unique wildlife habitats, such as riparian forest land.

Recommendations (NPDES 402 Discharge Permits/402 Construction Permits/Hydrostatic Testing): The EIS should identify and discuss whether National Pollution Discharge Elimination System (NPDES) Clean Water Act Section 402 direct discharge and/or storm water construction permits may be required. We recommend the permitting agency and contact information for each state, as applicable, be disclosed in the EIS.

Recommendations (Hydrostatic Testing - Additives, Erosion/Sediment Control and Aquatic Nuisance/Invasive Species): We recommend the EIS disclose whether hydrostatic testing will be undertaken for the proposed pipelines. If applicable, details of testing methods should be included. We recommend the EIS identify the potential source waters, locations and amounts of water proposed for each hydrostatic test and proposed discharge locations. We recommend the EIS identify the types of chemical additives that may be used in hydrostatic testing and how these chemicals would be treated and properly disposed. We recommend disclosing potential impacts to water resources from erosion and/or spread of aquatic nuisance species associated with hydrostatic testing. We also recommend the EIS identify mitigation measures to protect upland and aquatic resources.

**Hazardous Materials** – Events such as construction equipment spills of hazardous or toxic materials could result in substantial adverse impacts to surface and ground water quality and aquatic habitats. The construction and operation of pipelines and their associated facilities can generate used oils and solvents from maintenance of compressors, and releases of fuel oils and other material stored onsite.

Recommendations: We recommend the EIS discuss the frequency or likelihood of such events, and describe spill prevention and spill and release response capabilities. We also recommend appropriate state-identified and FERC-identified Best Management Practices (BMPs) to reduce potential non-point sources of pollution from project proposed activities be designed into the project and identified in the EIS. We recommend the EIS describe these spill prevention measures and capabilities, along with any necessary emergency plan or mitigation of spills in emergencies for all sections of the pipeline and all construction and use phases of the pipeline's life.

Recommendations: We recommend the EIS identify whether the operator has a waste minimization plan for pipeline construction and operation and identify the measures in the plan that will be used to reduce uncontrolled releases of hazardous materials, such as the use of drip pans for compressors, and reduction of construction waste, including waste resulting from spraying of the pipe.

**Air Quality/Greenhouse Gases and Climate Change** – Impacts to air quality can occur from construction and operation of a natural gas pipeline and associated facilities. For example, air quality impacts may occur from the operation and maintenance of compressor stations required to push gases through pipe bores over considerable distances. Such risks include releases of oxides of nitrogen, metals, formaldehyde and BETX (benzene, ethyl benzene, toluene and xylenes) from combustion-powered compressors. The protection of air quality should be addressed in the EIS.

Recommendations (NAAQS, Hazardous Air Pollutants): The EIS should identify and discuss the potential impacts to air quality from construction and operation of the proposed project. The air quality analysis should address and disclose the project's potential effect on: 1) all criteria pollutants under the National Ambient Air Quality Standards (NAAQS), including ozone; 2) any significant concentrations of hazardous air pollutants; and 3) protection of public health. Mitigation measures should be identified. We recommend the project proponents pursue opportunities to use clean diesel equipment, vehicles and fuels in construction of the project, and that FERC identify and disclose any opportunities to utilize these measures in the EIS.

Recommendations (Permits): We recommend the EIS identify the state agencies and the agency contact information for the various air permits that may be required for operation of the Project, such as operation of new compressor stations.

**Indirect effects** – Both FERC and the Department of Energy (DOE) have recognized that an increase in natural gas exports will result in increased production.[1] However, FERC has concluded in previous NEPA analyses that the nature of natural gas supply and the pipeline system in the U.S. makes it difficult to predict accurately where the additional gas development activity will occur and thus concluded that it is not feasible to more specifically evaluate localized environmental impacts. DOE has released a study by the National Energy Technology Laboratory (NETL), entitled "Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States[2]". We note that NETL recognizes that many of the potential impacts will vary considerably by location depending where the production occurs due to differences in hydrology, geology, ecology, air quality, regulatory structure and other factors. Nonetheless, the Addendum provides the kind of conceptual level analysis of the types of impacts that are likely to occur from increased production.

Recommendations: We recommend the EIS consider the potential for increased natural gas production as a result of exporting natural gas through the Rover Pipeline and the potential for environmental impacts associated with these potential increases. We recommend that the NETL study be considered as part of the decision making for this project and incorporated by reference in the EIS.

**Greenhouse gas emissions** – Previous FERC NEPA analyses have included a helpful discussion of the greenhouse gas (GHG) emissions associated with construction of the project, and annual emissions from the operation of the project. In addition to operational and construction emissions, there are also GHG emissions associated with the production, transport, and combustion of the natural gas that should be considered in the EIS. Because of the global nature of climate change, even where the ultimate end use of the natural gas occurs outside the US, additional greenhouse gas emissions attributable to the project would affect the US. Consistent with NEPA and CEQ regulations, because any such emissions

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[1] Effect of Increased Natural Gas Exports on Domestic Energy Markets, as requested by the Office of Fossil Energy. US Energy Information Administration. January 2012 (http://energy.gov/sites/prod/files/2013/04/f0/fe_eia_lng.pdf) and Cameron LNG EIS, Appendix L (Response to Comments), p. L-36 (http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13530753)

[2] Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States. DOE. (http://energy.gov/sites/prod/files/2014/05/f16/Addendum_0.pdf)

contribute to climate change impacts in the US, it is appropriate to consider and disclose them in the EIS due to their reasonably close causal relationship to the project. DOE has recently issued two documents that are helpful in assessing the GHG emissions implications of the project. They are the Addendum mentioned above, and NETL's recent report, entitled "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States[3]". While these reports focused specifically on Liquefied Natural Gas exports, they provide a helpful overview of GHG emissions from all stages of a project, from production through transmission and combustion. The GHG report also includes comparative analysis of GHG emissions associated with other domestic fuel sources and natural gas exports as they relate to other possible fuel sources in receiving regions. This information is helpful to decision makers in reviewing the foreseeable GHG emissions associated with the increased production and export of natural gas and how they compare to other possible fuels.

Recommendations: We recommend including GHG emissions associated with construction and annual emissions from operation in this DEIS. EPA also recommends both DOE reports be considered as part of the decision making process for this project and incorporated by reference in the EIS. FERC may also want to consider adapting this analysis to more specifically consider the GHG implications of the project.

**Methane Leakage** – EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems, including specific information regarding emission reduction options for natural gas transmission operations.[4]

Recommendation: We recommend that the EIS describe best management practices that will be adopted to reduce leakage of methane associated with operation of the facility.

**Noise** – Construction and/or operational activities from the pipeline and associated facilities, such as compressor stations, may cause an increase in local noise levels. Mitigation measures may include, but are not limited to, the use of noise barriers, placement of trees and shrubs, sound-proofing structures, and the use of equipment that emit the lowest levels of noise possible.

Recommendations: We recommend the EIS identify and discuss the sources of short-term and long-term noise pollution and the mitigation measures that will be implemented.

**Community, Social and Economic Impacts –** There may be impacts to communities as well as social or economic impacts as a result of the construction and operation of the pipeline.

Recommendation: We recommend the EIS identify and address the social and economic impacts this project may have on communities. This would include, but is not limited to, identifying the number of

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[3] Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States. DOE/NETL-2014/1649 (http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states)

[4] http://www.epa.gov/gasstar/methaneemissions/onshore_transmission_storage.html

outside workers that would be brought in to construct the project and duration of proposed construction and/or modification activities in the various communities. Impacts to roads due to project-related heavy equipment use and any extra law enforcement that may be necessary to maintain law and order.

**Environmental Justice (EJ) and Sensitive Receptors** – There may be environmental justice communities or other sensitive receptor locations (e.g., schools, day care centers, hospitals, etc.) near the proposed pipeline and associated facilities (e.g., compressor stations).

Recommendation: We recommend the EIS identify these communities and locations and if applicable, identify and evaluate the impacts of this proposal on them. This might include, but is not limited to, an assessment of risk of exposure to hazardous/toxic materials associated with pipeline and facility construction and operation, and air quality and noise impacts due to operation and/or modification of compressor station locations. We recommend identifying mitigation measures in the EIS.

**Pipeline System Safety** – The NOI identifies that the EIS will discuss public safety and reliability.

Recommendation: We recommend the EIS identify the maximum safe operating pressure for each of the eight supply laterals, the two Mainline pipelines, and the one Market Segment pipeline. The EIS should disclose the maximum volume of natural gas that can be safely transmitted in each of the pipelines and associated facilities that make up the Project.

**Biological Resources, Habitat and Wildlife** – This proposed long linear pipeline project would impact a variety of habitats, including but not limited to, wetlands, streams, and forests.

Recommendation (Baseline Information): We recommend the EIS provide baseline conditions of the habitats and populations of the covered species. It appears that substantial area of forest land would be converted into maintained pipeline right-of-way. Forests provide valuable habitat for wildlife and protect surface water and ground water quantity and quality, in part, by providing soil stabilization in a watershed. Core forest provides valuable breeding, feeding and resting areas for forest interior dwelling birds. In addition, trees capture and store carbon, keeping it out of the atmosphere where it contributes to accelerating climate change.

Recommendations (forests): We recommend the EIS assess and disclose impacts to the various habitats associated with the proposal. Assessment of impacts to forest should include but not be limited to disclosing the locations and the amount of forest fragmentation/forest edge produced and the amount of core forest that would be lost for each alternative evaluated in the EIS. If possible, we recommend alternatives be located to avoid forest fragmentation and loss of core forest. Where impacts cannot be avoided and minimized, EPA recommends the project proponents undertake voluntary mitigation for tree loss that is due to their proposal. We recommend a 1:1 replacement with native saplings in the watershed where the tree loss takes place.

Recommendation (petitioned, listed threatened and endangered species): We recommend that the EIS identify all petitioned and listed threatened and endangered species and critical habitat that might occur in the project area, and identify and quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these species. In addition to FERC consulting with the U.S. Fish and Wildlife Service, we also recommend FERC coordinate with the various state agencies in MI, OH, WV, and PA to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.

**Noxious Weeds and Exotic Species** – The spread of noxious weeds and exotic (non-indigenous) plants is a threat to biodiversity. Many noxious weeds can out-compete native plants and produce a monoculture that has little or no plant species diversity or benefit to wildlife. Noxious weeds tend to gain a foothold where there is disturbance in the ecosystem. Studies show that new roads and pipeline/utility ROWs can become pathways for the spread of invasive plants. Early recognition and control of new infestations is essential to stopping the spread of infestation and avoiding future widespread use of herbicides, which could correspondingly have more adverse impacts on biodiversity and nearby water quality.

Recommendations: We recommend that a vegetation management plan be prepared and included in the EIS to address control of such plant intrusions during construction and operation. The plan should list the noxious weeds and exotic plants that occur in the resource areas. In cases where noxious weeds are a threat, EPA recommends the document detail a strategy for prevention, early detection of invasion, and control procedures for each species.